BOMBAY COURIER.

VOL. XXVIII.] SATURDAY, AUGUST 8, 1818. [NUMBER 1354.

It has been resolved, that all Advertisements which appear under the Signature of the Secretary to Government, or of any other Officers of Government properly authorised to publish them in the Bombay Courier, are meant, and must be deemed to convey official Notification of the Board's Orders and Regulations, in the same manner as if they were particularly specified to any Servant of the Company, or others to whom such Orders and Regulations have a reference.

BOMBAY CASTLE, 21st September, 1792. JOHN MORRIS, Secretary

Register of Sums deposited in the General Treasury at Bombay (not bearing Interest), on Account of the Estates of Military Persons deceased, to the 31st July 1818; also of those transferred, discharged and remaining unclaimed, since the last was published.

Date when Deposited.		By whom	On Account of whose Estates,	Amount.	Remarks.
1818.					
April	8th	Major R. A. Willis, Town Major.....	Cornet George Garrard, of the Madras Invalid establishment.....	78 3 35	Paid the 15th May 1818 to R. Woodhouse, Ad.
	13th	Capt. N. Betts, Commanding at Seroor. ..	James Boyne, Lieut. of the 3d Regt. L. C.	1220 0 45	Do. the 4th do. to R. Woodhouse, Reg. & Ad.
May	25th	Capt. Barton, Commanding 2d. B. 4, Regt.	Lieutenant Rodgers of the said corps.....	1154 0 41	Do. the 26th June to do.
July	1st	Capt. G. Leggatt, Commanding at Jaulnah.	Lieutenant Billamore, 6th Regt. Bombay N. I. ..	1135 0 00	Unclaimed.

BOMBAY CASTLE,
Accountant General's Office,
31st *July* 1818.

Errors Excepted
J. WEDDERBURN,— *Accountant General.*

Government Advertisement,

Notice is hereby given,

THAT the Prices established by Government for the sale of the Honorable Company's MADEIRA WINES in this Month are as follow

London Particular
per Pipe Rs. 650 or in Bottles Rs. 25 per dozen
Do. Market Rs. 607 Ditto Rs. 24 per ditto

The Wines in Bottle will not be disposed of in any less quantity than six dozen.

By Order of the Right Hon'ble the Governor in Council,
R. T. GOODWIN,
W. Keep. & Com. Acct.

BOMBAY,
W. K. & Com. Office
7th August 1818.

ADVERTISEMENT.

LIST of unclaimed Letters now lying at His Majesty's Post Office, published for the information of all concerned.

A			
Lieut. G. Addis, R. N.	6	Lieut. C. Armstrong,	1
Mr. T. Alderton, F. M.	1	Mr. J. Armstrong,	1
Mr. R. Allen,	1	Mr. A. Atkinson,	1
Lieut. J. Arthur,	1	Mr. A. Auldjo,	1
B.			
Capt. W. Barnes, H. C. Artillery,	3	Mr. Bowman,	1
Mr. W. Barclay,	1	Mr. R. T. Best,	1
Mr. A. Bairnsfather,	1	W. Burrel, Esq.	1
J. Butchart, Esq.	1	Lieut. T. B. Bell, R. N.	2
Capt. J. Boucaut	1	Mr. W. Barnfill,	2
W. Brady, Esq.	1	E. Baynes, Esq.	1
C.			
Mr. Casts,	1	Mr. Cullen,	1
Mr. Clement,	1	Den. Heer. Jan Conradie,	1
J. Crawford, Esq.	1	A. Conwell, Esq.	1
Mr. Peter Campbell,	4	Mathew Crawford,	1
Mr. R. S. Carter,	1		
Mr. Patrick Cullen,	1		
D.			
A. Dalzell, Esq.	1	Mr. Charles Dew	8
H. Dyson, Esq.	1	Capt. G. H. Dacre,	3
A. Duff, Esq.	1	Mr. J. H. Davis,	1
Mr. J. McDonald,	1	Mr. C. Duncan,	1
E. Drummond, Esq.	2	J. Dawkins, Esq.	1
Mr. Daly,	1		
E.			
Mr. T. Edwards,	1		
F.			
Mr. R. Fripp,	1		
G.			
J. Gordon, Esq.	1	Mr. G. Gramlick,	1
Mr. J. Gray,	1	Capt. T. Guthrie,	1
Mr. Goving,	1	Lieut. J. MGuy,	1
Mr. C. Goodburn,	3	Lieut. G. Grant,	1
Mr. E. Gardiner,	1	Lieut. R. M. Grindlay,	1
H.			
Mr. G. Hearder,	6	Mr. W. Hardy,	1
Mr. J. Harrison,	3	Mr. R. Hadley,	1
J. Hurst, Esq.	1	Mr. David Hardie,	1
Lieut. Hepburn,	3	Lieut. E. Harris,	1
Mr. J. Hayman,	2	Mr. Harrison,	1
Mr. Hutley,	1	R. Harris, Esq.	1
J.			
Mr. T. Jones,	1	Mr. W. Jolliffe,	4
K.			
Mr. J. Keating,	1	Lieut. J. Kennedy,	1
Mr. D. Kitchener,	1	Mr. T. Kirton,	6
L.			
Mr. A. Lawrence,	1	J. McLauchlan,	1
Mr. J. Logan,	1	Mr. C. V. Lightfoot,	1
Mr. Joannah Lloyd,	1	Capt. W. B. Lamb,	1
W. Parrant Lilly,	1		
M.			
Mr. G. Munro,	4	K. Murcheson, Esq.	1
Mr. G. Martin,	1	— Magee, Esq.	1
Mr. J. Mitchell,	1	R. Makepeace,	1
Capt. F. Munt, N. I.	2	Mr. H. McCann,	1
Mr. R. Moresby,	3	Mr. H. Miller,	1
O.			
Mr. A. A. Ogg,	3	Mr. Orr,	1
P.			
Francis Price, Esq.	1	Edward Primer,	1
Mr. T. Poster,	1	Henry Pepper,	1
R.			
Lieut. R. Reynolds,	1	Mr. G. Roberts,	1
Capt. D. Ross, Newspaper,	1	J. Roy, Esq.	1
Capt. J. G. Reppachie,	1	Revd. W. Roy,	1
Mr. P. Reay,	1	Henry Richards,	1
S.			
Mr. W. A. Smith,	3	Mr. R. Smith.	1
Mr. H. Sage,	4	Mr. A. T. Sculler,	1
Mr. S. Shepperd,	3	Major J. Skerret	1
Mrs. W. Smith,	1	Mr. W. Sherriff,	2
W. Smith, Esq.	1	Mr. W. Sanderson,	1
Mr. W. Smith,	1	Mr. J. H. Sandon,	1
Mr. B. Shelley,	1	J. Safe, Esq.	1
Mr. R. Seaton,	1	Mr. O. Spencer,	1
Mr. F. Shean,	1	Mr. D. Samuel,	1
T.			
Capt. Templeton, 48th Regiment,	1	Miss M. Thornton,	1
Mr. Turner,	1	W. Tilley,	1
V.			
W. Voyle, Esq.	1		
W.			
Lieut. H. Wyndham,	1	Lieut. C. Wright,	1
R. Warren, Esq.	1	Capt. G. Walker,	1
Mr. G. Wise,	2	J. Wren, Esq.	1
J. Wright, Esq.	1	W. Walford Jun. Esq.	1
Mr. J. Whittle,	1	Mr. J. Wetherden,	1
Mrs. Wiseman,	1		

CHAS. LAW,
H. M. D. P. G.

H. M. Post office
BOMBAY,
7th August 1818.

Notice is hereby given,

THAT Saturday next, the 15th instant, being a Hindoo Holiday (Shravan Narole, or Cocoanut day) no business will be transacted at the General Treasury on that day.

J. REST,
Sub-Treasurer.

BOMBAY CASTLE,
GENERAL TREASURY,
8th August 1818.

In the HONORABLE the COURT of the RECORDER of BOMBAY.

Ecclesiastical Side,

In the Matter of the Estate of JAIGOVUNDASS JUGGEEVUNDASS deceased.

GOCOOLDASS BHOOCUNDDASS, {Petitioner for probate as Executor in will named.}

versus.

GOOLABVOW, widow of the deceased,—Caveatrix.

BY consent of both parties in this cause, letters ad colligenda bona, pendente lite, having been committed by the Honorable the Court of the Recorder of Bombay to Mr. RICHARD WOODHOUSE, the Registrar—All persons indebted to the said estate are hereby informed thereof, and are further required to pay forthwith the amount of their respective accounts to Mr. WOODHOUSE: otherwise actions at law will be instituted against them.

Bombay 4th August 1818.

શ્રી·મુમબઇનાં·રીઝાડર·શાહેબનાં
ફોરટ·મધે
મરનાર·નેગોબનદાશ·નગજીવંનદાશ
નાં·મીલકતનાં·ટંટા·મધે *

ગોકલદાશ
જુખંનદાશ } મરજા·કરનારો·બાબત એબે
એ·મરનારનાં·વીલનો·પવર
લેય·બાબત·પોતે·વકીલછે·
એ·ઉપર

બાઇ·ચુલાબવહુ·મર
નારની·વરીઆણી } મનાઇ·કરનારી
એ·બેહુ·લોકો·એ·કજીયામાં·નાંખો
શુકી·એ·કજીઓ·ચુકે·તાંહાં·શુકી·પો

તાનાં·રાજી·નાંમાંથી·અખતીઆર·નાં
મુ·મીશાતર·રીચારડ·હુડાહુશ·શ્રી·ફોર
ટનો·રજીશાતાર·એ·ઘણીને·શ્રી·મુમબ
ઇનાં·રીઝાડર·શાહેબનાં·ફોરટ·મધે
થી·અખતીઆર·આપેઆંતે·એ·વાશતે
શરવે·લોકો·જેઓ·એ·ઇશટેટનાં·દેવાદાર
હોએતો·તેનાંને·જાહેર·કરેછે·જે·પોતા
નાં·ખાતાનુ·દેવુ·મીશાતર·રીચારડ·હુડા
હુશને·આનીને·ભરે·કદાચ·નહી·ભરશે
તો·એ·લોકો·હુપર·ફોરટ·મધે·ફરીઆ
દી·થશે—તા·૪ થી·આગશટ ૧૮૧૮

ADVERTISEMENT.

APPLICATION hath been made, to the Hon'ble the Court of the Recorder of Bombay, that letters of Administration, of all and singular the Goods, Chattels, Rights and Credits, of Captain HUGH MASSEY, late in the military Service of the Hon'ble East India Company, on the Madras Establishment, deceased, may be granted to the Registrar for the time being of the said Court (Mr. RICHARD WOODHOUSE).

Bombay, 1st August 1818.

ADVERTISEMENT.

APPLICATION hath been made, to the Hon'ble the Court of the Recorder of Bombay, that letters of Administration, of all and singular the Goods, Chattels, Rights and Credits, of Major HUGH SCOTT, late in the military Service of the Hon'ble East India Company, on the Madras Establishment, and Deputy Adjutant General of that Army, deceased, may be granted to the Registrar for the time being of the said Court (Mr. RICHARD WOODHOUSE).

Bombay, 1st August 1818.

For Sale,
AT THE
COURIER OFFICE,
BLANK forms of POWERS OF ATTORNEY for receiving dividends on India Stock &c.

BOMBAY THEATRE.

IT having been notified to the managers, that it would be acceptable to many of their literary friends if a further period were allowed for the receipt of addresses on the re-opening of the Theatre; the managers have the pleasure of notifying that the time for receiving addresses is extended until the 20th September.

ADVERTISEMENT.

TO BE SOLD
BY PUBLIC AUCTION,
AT THE GODOWNS
OF
MESSRS. TASKER & CO.

On MONDAY next the 10th instant,
THE FOLLOWING GOODS
VIZT.

84 BAGS of first sort Benares Sugar.
142 Ditto ditto 2d....ditto....ditto.
371 Ditto ditto Salt Petre.
170 Bales of Gunnies.
3900 Loose....ditto.

The conditions will be made known on the day of sale, and the goods will be put up in such lots as may suit the convenience of purchasers.

Bombay 5th August 1818.

Ferrar & Eduljee,

WILL SELL
BY PUBLIC AUCTION,
On MONDAY next the 10th instant,

A large assortment of books, amongst which are many valuable works, the property of a gentleman leaving the settlement, sundry articles of Household Furniture &c. &c. &c.

On the same day at 12 o'clock will be sold a beautiful English Greyhound, thorough bred, and one Greyhound pup, likewise a Hackerry with a pair of beautiful Guzzerat Bullocks, &c. &c. &c.

Bombay 8th August 1818.

SALE BY AUCTION,
WOOLER & CO.

WILL,
On TUESDAY next the 11th inst.,
CONTINUE THE SALE OF
PLATED WARE;

WHEN will also be sold a quantity of Powder-Flasks and Shot-Belts, Curricle and Buggy Harness, Saddles and Bridles with a few spare articles of sadlery &c., just received from the manufacturers.

Bombay 8th August 1818.

Ferrar & Eduljee

WILL SELL
BY PUBLIC AUCTION
On THURSDAY the 20th Instant,
AT THEIR ROOMS
IN
MEADOW STREETS,
FOUR ENGLISH MADE CAMP CASES,

CONTAINING the following Articles of Silver Plate; to be sold together or separately, as may suit purchasers.

Bombay 8th August 1818.

CAMP CASE, No. 1.
Containing as under, viz.

4 Silver Dishes of Size,	6 Silver Dessert Forks,
2 Do. Curry Dishes,	1 Do. Gravy Spoon,
2 Hot water Plates,	1 Do. Butter Knife,
3 Do. Table or Soup Plates,	4 Do. Skewers,
1 Do. Soup Spoon,	7 Tin Dishes,
6 Do. Table ditto,	1 Iron Gril,
6 Do. Dessert ditto,	5 Pair, Ivory Handles, Knives and Forks,
6 Do. Tea ditto,	5 Do. ditto Dessert do.
6 Do. Table Forks.	1 Pair Carver ditto,
	1 Steel and 2 Oyster Knives.

No. 2.

2 Silver Sauce Bowls with Covers,	1 Copper Coffee Pot,
2 Do. Salt Cellars with Spoons,	1 Tin Candlestick,
1 Do. Mustard Pot with ditto,	7 Do. Dish Covers,
1 Do. Pair Snuffers with Stand,	1 Copper Fry Pan,
1 Do. Coffee Pot,	6 Do. Sauce Pan and Covers,
2 Do. Candlesticks with 2 Shades,	1 Tin Boiler or Fish Kettle,
1 Do. Muffinier,	1 Mahogany Dinner Tray,

No. 3.

1 Silver Milk Bowl with Cover,	1 Tin Spice Box,
1 Silver Tea Pot,	3 Tea Cups and Saucers,
1 Do. Cruit Stand with 4 Glass Bottles,	3 Coffee Cups and Saucers,
1 Do. Tumbler,	4 Wine Glasses with Covers,
4 Liquor Bottles with Silver Corks,	3 Tumblers with Covers,
2 Decanters,	

No. 4.

1 Silver Large Bowl with Cover & Stand,	4 Tin Canisters for Tea and Sugar,
1 Do. Butter Pot with a Glass and without Cover.	1 Mahogany Dinner Tray,
1 Mahogany Tea Caddy with Silver Cup & Cover for Sugar,	1 Roasting Jack, Complete,
	1 Iron Hatchet.

Bombay, 8th August 1818.

Notice is hereby given,

That on THURSDAY the 11th instant,
WILL CONTINUE FOR SALE,
BY PUBLIC AUCTION,
AT
Doctor Palmer's Buildings,
THE REMAINDER
OF THE
GLASS-WARE.

Bombay 8th August 1818.

Passage to Europe,

THE NEW SHIP

DIANA,
OF 550 TONS,

WILL sail for the port of LIVERPOOL the latter end of the current month and has excellent accommodations for passengers.

Any medical gentleman desirous of going to Europe, may learn of arrangements to his satisfaction. For particulars enquire of Captain WILLIAMS in Meadow's Street.

Bombay 7th August 1818.

ADVERTISEMENT.

PESTONJE RUSTOMJEE, has contracted with MRS. CATHARINA JACOBS to purchase her dwelling House situate in the Oart Ganwasur without the Town Walls. If any person or persons have mortgage on the same, he or they are hereby required to make the same known to the purchaser within 14 days from the date hereof, or otherwise the same will not be afterwards admitted.

Bombay 7th August 1818.

ADVERTISEMENT.

LETTERS of Administration of the estate and effects of WILLIAM VAUGHAN, late a Captain in the Military service of the Hon'ble East India Company on their Madras establishment, second battalion fifteenth Native Infantry deceased, having been granted by the Hon'ble the Court of the Recorder of Bombay, to Mr. SAMUEL FERRAR of Bombay merchant; All persons concerned are hereby apprized thereof.

T. W. BROWNE,
PROCTOR.
Dated 6th August 1818.

Notice is hereby given,

THAT WASSOODEW CRUSTNAJEE, MOROBA RAMJEE and VENOOBOY, widow of RAMJEE HURJEE, carpenters, have contracted to mortgage all that dwelling House with its premises, situated without the Town Walls opposite to Gunnesswaddy street on the high bazar road; any person or persons having claim or demand whatsoever against the same, are hereby requested to make the same known unto BALLAJEE DADAJEE, Weaver, the lender, in the Courier Office, within fourteen days from the date hereof; otherwise none will be admitted.

Bombay 7th August 1818.

બજાર-ફ્રીમાંથી-આપીએયજે

વાશદેવ-કુકુશટનાંજી-તથા-મોરોબા રામજી-તથા-વેનુબાઇ-રામજી-હરજી-થુ તારની-ઘરીમાંણી-એ-ઘણીમાએ-ગિ રવી-રાખવાનુ-શાતુ-ફીકુછે-રેહેવાનુગે હેર-એક-જગો-શાથે-બાજારકોટ-ગને શા-વારીનાં-શામજેની-ગલીમાં-મોહો દા-બજારનાં-રશતા-ઉપરછે-એ-ઉપર-હરએક-લોક-અગાર-લોકોનો-દાવો-અ ગાર-લેહેણુ-હરએક-રીતનુ-હોયેતો-તે ઘણીને-અરજ-કરીને-કહેવને-બાલાજી-દાદાજી-બતરીને-કોરીઅર-કાશીશમાં-પહશા-આપનારને-આવીને-આનથી-દીન ૧૪ ની-મુદતમાં-નાહેર-કરે-તેઆ ર-પછી-એ-દાવો-કબુલ-કરશે-નહી *

તા- ૭ મી- આગશટ ૧૮૧૮

NOTICE IS HEREBY GIVEN,

THAT SAVETREBOY, the relict, and Executrix to the Estate, of the late JANNAJEE BHICCAJEE of Bombay, Hindoo Weaver, hath mortgaged unto PURSHOTUM MULLARSETT of the same place, all that Oart of two wheels in two parts called Khall, situated in Girgone; and all that messuage or dwelling house situated in the Oart called Dowlutkhanny, both without the Town walls of Bombay; any person or persons having claim or demand of whatsoever nature against the same, are hereby requested to make the same known unto PANDOORANG DALVIE, Purvoe of Courier Office, within the space of fourteen days from the date hereof, after which, no claim whatever will be admitted.

Bombay 7th August 1818.

બજાર-ફ્રીમાંથી-આપીએયજે

સરનાર-જાનાંજી-લીખાજી-મુમબઇનો ખતરીની-ઘરીમાંણી-તથા-વકીલાતન નામે-શાવીતરીબાઇ-એ-બાઇ-એ-પર શોટમ-મબાર-શેઠ-મુમબઇનો-રેવાશી-એ-ઘણી-શાથે-ગીરવી-રાખવાનુ-શાતુ ફીકુછે-બે-રેટની-વારી-બે-બાગમાંછે-નામે-બાલ-ગીરગાંમ-મધેછે-તથા-રેહે વાનુ-ગેહેર-એક-દોબતખાની-વારી-મ ધેછે-એ-બે-મીલકતો-મુમબઇનાં-બા કારકોટ-મધેછે-એ-ઉપર-હરએક-લોક બગાર-લોકોનો-દાવો-બગાર-લેહેણુ-હ રએક-રીતનુ-હોયેતો-તે-ઘણીબાએ-બાવીને-પાકુરંગ-દઇને-કોરીઅર-કા શીશમાં-બાજથી-દંન ૧૪ ની-મુદતમાં જાહેર-કરે-તેબાર-પછી-એ-દાવો-કબુલ-કરશે-નહી *

તા- ૭ મી-આગશટ ૧૮૧૮

ADVERTISEMENT.

RECORDER'S COURT
ECCLESIASTICAL SIDE.
In the goods of EDULJEE BURZORJEE, of Bombay, Parsee, Deceased.

NOTICE is hereby given, that application hath been made to the Hon'ble the Court of the Recorder of Bombay, for Letters of administration in the above goods to be granted to COONVERBOY and SORABJEE EDULJEE, widow and son of the said deceased; all persons concerned therein are hereby apprized thereof.

Bombay 29th July 1818.

ADVERTISEMENT.

APPLICATION has been made to the Honorable the Court of the Recorder of Bombay, that Letters of administration of all and singular the goods and chattels, rights and credits of LIEUT. WILLIAM SMITH, late in the Military service of the Hon'ble East India Company on this establishment, deceased may be granted to the Registrar, for the time being of the said Court, RICHARD WOODHOUSE, Esq.

Bombay 26th July 1818.

ADVERTISEMENT.

APPLICATION hath been made, to the Hon'ble the Court of the Recorder of Bombay, that Letters of Administration, of all and singular the Goods, Chattels, Rights and Credits, of Mr. WILLIAM NOWLAND, late of the same place, deceased, may be granted to the Registrar for the time being of the said Court (Mr. RICHARD WOODHOUSE).

Bombay, July 27th 1818.

ADVERTISEMENT.

LETTERS of Administration, of all and singular the Goods, Chattels, Rights and Credits, of Lieutenant ROBERT ASHMEAD PRUEN BILLAMORE, late in the Military Service of the Hon'ble East India Company, on this Establishment, deceased, having been granted by the Hon'ble the Court of the Recorder of Bombay, to the Registrar for the time being of the said Court (Mr. RICHARD WOODHOUSE) all persons concerned are hereby apprized thereof.

Bombay, July 31st 1818.

ADVERTISEMENT.

LETTERS of administration, of all and singular the Goods Chattles, Rights and Credits, of LIEUTENANT ROBERT VINCENT KENNETT, late in the military service of the Hon'ble East India Company, of this establishment, deceased, having been granted by the Hon'ble the Court of the Recorder of Bombay, to the Registrar for the time being of the said Court (MR. RICHARD WOODHOUSE), all persons concerned are hereby apprized thereof.

Bombay, 31st July 1818.

GENERAL ORDERS.

BOMBAY CASTLE, 4TH AUGUST 1818.
By the Right Hon'ble the Governor in Council.

THE Right Hon'ble the Governor in Council is pleased to relieve Assistant Surgeon Llewellin from Marine duty, for the purpose of being employed on Shore.

Bombay Castle, 5th August 1818.

Mr. J. A. Walsh, Cadet for the Infantry, who arrived on the ship Swallow, having produced certificate of his Appointment and delivered in the declaration required by the Hon'ble Court's orders of the 6th of April 1808, is admitted on the Establishment, & promoted to the rank of Ensign from the date of his arrival on the 2d of this Month.

Bombay Castle, 6th August 1818.

The Right Hon'ble the Governor in Council is pleased to appoint Captain Perkins in charge of the guard and Poora at Baroda, to the Command of the Fort of Kurrie, in the room of Major Kempe, who is ordered to join his Corps in the Deckan.

By Order of the Right Hon'ble the Governor in Council,
J. FARISH,
Sec. to Govt.

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CIVIL APPOINTMENTS.

MESSRS. HOCKLEY, Burnett, Lumsden and Crawford, to proceed to Poona and placed under the orders of the Commissioner.

Mr. George Retsome Elliott Register &c. at Kaira.

Mr. John Kentish to be Acting Register &c. at Surat.

Mr. John Vibart to be Acting Register &c. at Broach.

Mr. Alexander Bell, Junior, to be Acting Register in the Northern Concan.

Mr. William Wilkins to be 1st Assistant to the Collector of Surat.

Mr. Hilderband Gordon Oakes to be second ditto.

Mr. Edward Grant to be first Assistant to the Collector of Broach.

Mr. Hugh McIlraith to be first Assistant to the Collector at Kaira or Eastern Zillah North of the Myhee.

Captain Robert Barnewall to be first Assistant in the Revenue Department in the Southern Concan.

Register of the Quantity of Rain fallen in the Month of July 1818 *at Byculla, Bombay; and at Tannah, Salsette.*

	BYCULLA.		TANNAH.	
Day.	Inches.	Decim.	Inches.	Decim.
1	0	53	3	13
2	2	46	3	33
3	1	13	4	16
4	—	48	—	44
5	—	56	1	66
6	—	31	—	69
7	—	—	—	39
8	—	11	—	51
9	—	11	—	—
10	—	12	—	12
11	—	6	—	76
12	—	24	—	48
13	3	62	3	98
14	1	43	1	79
15	—	18	—	78
16	—	16	1	16
17	—	51	—	66
18	1	86	1	27
19	—	50	2	17
20	—	63	—	23
21	—	9	—	27
22	—	10	—	15
23	—	—	—	15
24	—	11	—	55
25	—	—	—	—
26	—	1	1	32
27	—	14	—	—
28	—	33	—	27
29	—	05	—	20
30	1	43	—	43
31	—	43	2	26
Total.—	17	69	33	31
June.....	22	54	33	20
July.....	17	69	33	31
Present Total...	40	23	66	51

The Rain is measured at both places with Luke Howard's Pluviometers.

BOMBAY, AUGUST 2D 1818.

CORRESPONDENTS.

"An Elegy on a Birthday" is inadmissible. We refer the writer to Johnson's dictionary for the meaning of the word Elegy.

THE

COURIER,

AUGUST 8, 1818.

We are informed that John Cartwright Esq. has been appointed agent for the Hon'ble Company at Constantinople, in the room of the late Isaac Monier Esq. deceased; and Mr. John Colville, agent at Anjeer on the Island of Java.

We are happy to be able to state, that all the accounts from the Deccan received during the last week relative to the Cholera Morbus, concur in the statement, that the practice adopted has been most successful in preventing the fatal effects of this dreadful malady. In cases wherein the application for relief was made in time, not more than one in a hundred had died; but the disease had been generally fatal wherever any considerable delay had occurred in administering the medicines.

Where the disease attacked Europeans, copious bleeding had been adopted, and an early use of the hot bath had been found most beneficial in abating the violence of the spasms, which in some instances attacked the patient with such intensity, that it was necessary for the medical assistants to hold them down.

The disease is generally considered by the profession to be disappearing: in Poona, there have been only a very few cases, and it was supposed that in these instances the patients had arrived in that city with the seeds of the disease about them. We trust the very heavy rains we have had during the last week, will relieve us from all anxiety of a visitation of this fearful epidemic.

The quantity of rain which has fallen at Tannah during the month of July is nearly double that which has fallen at Bombay; as our readers will perceive on reference to the comparative statement given in our preceding columns. The quantity of rain which had fallen here last year on the 1st August was In. 69.59.

The Bombay Merchant for London, and the Bridget for Liverpool will proceed to sea, wind and weather permitting, on Saturday the 15th Inst. The Diana for Liverpool will also, it is expected, get away the same springs, or about the 18th Inst.

The papers received from Calcutta and Madras during the last week are quite devoid of interesting matter.

Four Prisoners on whom sentence of death was passed at the second sessions of last year, viz: Andrew Dewitt, Thomas Taylor, James Dunn and William Graham, have been pardoned by His Royal Highness the Prince regent, on condition of being imprisoned for certain terms of years in Bombay Goal. Two other Europeans, Andrew Lyons and Robert Smith, tried at the following sessions and sentenced to seven years' transportation, have also been pardoned. The former has received a free pardon, and the sentence passed on the latter has been commuted to 4 years' imprisonment.

It has always given us the highest gratification to notice the proceedings of the Bombay Education Society, looking on the institution as calculated in every respect to promote the best interests of mankind. The third annual report has just been delivered from our press; the account which it gives of the old charity school, which existed here, well be found extremely interesting; and we congratulate the subscribers on the success which has attended the zealous exertions of the managing and ladies' committees during the last year. The boys' school has been augmented to 100; and the girls exceed 60; who are not only educated but maintained at the expence of the Society. Two schools for Europeans have also been formed at the outstations, one at Surat and another at Tannah, both of which are well attended.

A note subjoined to the report states that since it was prepared, a reply has been received from the Court of Directors; and we understand the Court has authorised a very handsome monthly subscription in aid of the purposes of the institution. Let not individuals however relax in their subscriptions on this account, much has been accomplished, but much, in the words of the committee, is still required to be done: many children we believe are still candidates for admission, and the Society does not confine its benevolence to the Presidency alone, but has declared its intention of extending the benefits of education to every station throughout the Government as far as its funds may admit. Among the list of subscribers we particularly notice two liberal annual subscriptions by Officers of Corps, namely the 1st Bat. 3d Regt. and 2d Bat. 7th Regt. N. I.; we sincerely wish these examples were followed by the service in general.

The managing committee having thus provided in the first place for the religious education of the offspring of Europeans, have lately turned their serious consideration to the improvement of Native schools; a plan, devised by the Archdeacon and approved by the directors, has been submitted to some of the principal Native inhabitants, and is now printing in the Native languages at our press: by this plan, it is proposed to assist Native schools, and to improve their present very defective system of education. Both the English and Native languages will be taught, and the schools superintended jointly by Natives and Europeans; the friends of the children contribute themselves to a portion of the expense. The proposal has met with such approbation among the Natives, though as yet but very partially known, that many children have already offered themselves, and the first Native school under the auspices of the Society is to be opened on Monday morning at ten o'clock, in one of the lower rooms the of house now occupied by the boys' central school.

A Parsee native is engaged in printing native letters in arithmetic, which he has himself compiled; and a Mussulman boy is engaged as a teacher, who was himself educated in the central school.

Our limits will not allow us to enlarge at present on this proposal, which we consider as one of the most important measures for the benefit and happiness of the Natives, ever introduced, and to which we most heartily wish complete success.

From the Gazette; Wednesday, 5th August

The fort of Moolheir has surrendered to the force under the command of Lieut. Colonel McDowall, which completes the conquest of the province of Kandeish, and terminates the war in the Peishwa's late dominions.

The Charlotte left at Whampoo, the Exmouth and Resource, Bengal Ships, & two or three Americans. Cotton was at about 12 Tales, and there was still a considerable quantity in the market, report says to the extent of 60,000 bales, two Bengal Ships and the Good Success, of this Port, were daily expected to arrive. The Sugar crops are stated to have been more productive, than for many preceding years: the 1st Sort of Soft Sugar is now at 5 T. 5 M. per Picul, which last year was 6. T. 8. M. The Charlotte proceeded by an Eastern route and arrived at Batavia on the 12th June, a Batavian Courant of the 20th of June, has been kindly handed to us, but it contains no local intelligence whatever.

ARRIVALS.]—Assistant Surgeon James Bird.
Cadet J. A. Walsh.
Lieut. J. W. M. Falconar, Fort Adjutant Tannah.
Assistant Surgeon Sir Thos. Silvestre, Madras Establishment.
DEPARTURE.[—Surgeon H. Morgan.

NAUTICAL CHRONICLE AND NAVAL REPORT.

BOMBAY.

ARRIVALS.]—May 2d, Ship Swallow. Capt. William Oliver from England the 21st March 1818.
Do. ditto—Ship Charlotte, Capt. J. Stevenson from China the 22d April 1818
Passengers per Swallow—Mr. Bird, Assist. Surgeon, Mr. Walsh—cadet.
Passengers per Charlotte.
Sir Thos. Silvestre,—Mr. & Mrs. Skelton.
DEPARTURES.]—Aug. 1st, Ship Futtay Alvadood, Wm. Capt. Richardson, to Penang.
Do. 3d,—Ship Bombay Castle, Capt. Geo. Mann, to England.
Do 5th,—Ship Ann, Capt. William Reynolds to London.
Do. 6th,—French Ship L'Achille, Commander P. Masse, to Marseilles.
Passengers by Ann.
Lieut. Col. John Fitzsimom, H. M. 65th Regt.
Doctor W. Hill Morgan, Medical Store-keeper.
Richard Mills Esq. Civil Service.
Capt. John Hicks, 2d Regt. Bombay N. I.
Lieut. John Lutterell H. M. 47th Regt.
Lieut. Edward MacDonnell, H. M. 56th Regt.
Mr. Joseph Dyson, H. M. 47th Regt

CALCUTTA.

ARRIVALS.]—July 4th Ship Essex, J. Mahon, from England 19th November and the Cape.
Ship Briton, R. Harland, London 1st and Portsmouth 27th March.
10th, Ship Medway, B. Wright, England 16th Jan. and Madeira 4th March.
Passengers per Medway—Mr. J. Robinson, Free Merchant, Mr. A. Scott, and Mr. Richard Twedale.
From Madras—Mrs. Harrington.
DEPARTURES.]—6th Ship Laura, F. P. Deniss, for the Red Sea.
7th Ship Mysore, A. Dobie, to complete her cargo, for China.
Charles, (French) Dupres, for Havre de Grace.
10th, Ship Centurion, W. Meads, to complete at Diamond Harbour her lading for London.
Put to Sea.
5th Brig Tweed.
9th July, The Ship Shah Byramgore, Syren and Aurora, also the American Ship Oscar and Endeavour.
11th, The Laura and Dolphin.
12th, E. S. Hashmy, C. E. Smith, Bussorah
A. S. Bainbridge, J. Tomlinson, Philadelphia.
REMARKS.
Brig Dolphin, put back on the 6th instant cause unknown.
Ship Canton, returned to Diamond Harbour from Sangor point yesterday, being leaky.

PROGRESS OF VESSELS AT THE FOLLOWING STATIONS.

ON THE 11TH INSTANT,

Diamond Harbour,

Remain.—The Fort William, Asia, Canton, American, and St. Julian, Spanish, also the Mysore, outward bound.
Coming to town,—The Essex.
Passed up,—The Medway.
New Anchorage.
Remain.—The Larkins.

MADRAS.

ARRIVALS.]—July 20, Ship Bombay Merchant, Capt. G. Rowe, from Bushire, 18th June and Muscat 1st instant,—ditto, Brig Admiral Drury, Captain B. Passee, from Columbo,—Passenger:—Captain N. Vernon. July 18th, Ship Reliance, Captain C. F. Davis. from Rangoon 11th May.—
DEPARTURES.]—July 10th, Brig Helen, Capt. Mackintosh, for Padang—do. 14th. Ship Grant, Captain J. Moffatt, for England.—do. 15th. Ship Eliza, Capt. G. Cornish, for Bengal.—do. 16th, Ship Norfolk, Capt. L. C. Edwards, for Bengal.—do American Ship Frances, Capt. Samuel Swift, for Bengal.
Ship Mahedila Bourdomnye, Captain R. Morin, for Bengal. 18, H. C. Ship Marchioness of Ely, Captain Brook Kay, for Bengal.
Passengers by the Grant.
Mrs. Dumas, Miss E. Mary, Capt. Lieut. Bell, 10th Regt. N. I. Lieut.—and Brevet Capt. J. A. Say, 2d Batt. 16th Regt. N. I.—Lieut. J. Tucker, 1st Batt. 9th Regt. N. I.—Lieut W. Preston, do.—Lieut. J. Ross, 1st do. 13th do.—Mr. E. Jackson.

BOMBAY.

BIRTHS.]—At Porebunder on the 8th ultimo, the Lady of Assistant Surgeon Wm. Aitken of a Son.
On Monday the 3d Instant the Lady of James Farish Esq. Sec. to Govt. of a Son.
DEATH.]—Lately in Malwa, of the Cholera Morbus, Lieut. Colonel John Lyall of the 1st Battalion 8th Regiment N. I. on this Establishment, universally and deservedly regretted.

MADRAS.

BIRTHS.]—At Quilon, on the 5th July the Lady of Captain Elphinston, Quarter Master of Brigade, of a Daughter.
On the 14th July, the Lady of George Stratton, Esq. of a Daughter.
On the 16th July the Lady of William McTaggart, Esq. of a Daughter, still-born.
DEATHS.]—At Berhampore, on the 3d June, Captain J. Jobson, of the 1st 4th Regt. late Commanding the Ganjam Hill Rangors, who fell a victim to excessive fatigu in the zealous execution of a duty committed to his charge.—His promptitude and ability in the performance of military duty stamp him as a loss to the service—while his friends and brother officers deeply feel and duly appreciate the recollection of a Man whose social and unaffected manners endeared him to all.
Died at Madras on Friday evening at half after 5 o'Clock, after a lingering illness of some years, Mr. Edward Lewcock, aged 75 years.
At Madura, on the 30th June, 1818, eleven days after her confinement, Mrs. Sarah Macnemara.

BENGAL.

MARRIAGES—On the 25th June Mr. J. C. Pritchard, to Miss C. Purvez.
On the 1st July, Mr. Manock Nicholas, to Miss Sarkies Aroni.
BIRTHS—On the 11th July, at Barrackpore, the lady of Capt. H. Hodgson, 12th N. I. of a daughter.
At Rutally, on the 11th July Mr. Alexander Fleming of a son.
On the 8th July, the lady of Arthur Johnson, Esq. of twin daughters.
At Benares, on the 29th June, the lady of Lieut. T. B. Malden, of the 2d Bat. 9th Regt. N. I. of a son.
At Goruckpore, on the 29th June the Lady of Capt. R. H. Sneyd, of the 1st Regt. Ben. Cav, of a Daughter.
At Hossunabad, on the 19th June, the Lady of Lieut. John Tulloch, 22d N. I. of a Daughter.
DEATHS.—At Dacca, on the 6th Louiza Maria, infant Daughter of the Rev. A. W. Taylor; aged 4 months.
In childbed, on Wednesday last, the 8th July, the wife of A. Johnson, Esq. a lady highly distinguished by amiable manners and the most unaffected piety.
At Dacca, on the 30th June, in childbed, Mrs. F. Mitchon, the daughter of Mr. N. Kallonasss, of the same place; aged 28 years.

Ceylon Intelligence.

COLOMBO.

4TH JULY 1818.

The principal event that has occured during the last week in the Interior, is the arrival in Kandy on the 28th ultimo of Lieut. Col. Kelly with a reinforcement of about 200 Rank and File of the H. C. 18th N. I. under Lieut. Norton and 50 Europeans and Caffrees: the Lieut. Col. had a very laborious march through Ouva, Wallapana and Hewahette, the fatigue was increased by a very heavy fall of rain, yet it is with much pleasure we observe that his sick amounted only to 8.

Major Coane writes from Topetty that the Headman of the Paduwas has brought in a number of his people, who have been very active and useful: Major Coane has even armed several Kandjans in his service with bows and arrows and they have done good service upon several occasions.

On the night of the 19th Major Coane sent Lieut. Raymond with 60 Rank and File to disperse the Rebels who had for 2 or 3 days been in the vicinity of Bogodde cutting Paddy: Six of Rebels were killed, and a quantity of grain with a great village destroyed. Another party dispatched on the night of the 21st accompanied by 20 Kandians armed with bows and arrows surprised a body of the Insurgents, killed 3, of whom one was the Yattepulate Mohandiram, and took prisoners 2 Priests.

Lieut. Wilkinson at Passera has had the Passera-Watte Vidahn with his family and many

(Continued after the Poetry.)

THE MATERNAL EXPEDIENT:

A TALE FOR MOTHERS; FOUNDED ON A BEAUTIFUL GREEK EPIGRAM, SUPPOSED TO HAVE BEEN WRITTEN BY ARCHIAS.

Where Crissa's cliff, high rising o'er the main,
In sullen majesty o'erhangs its base,
An ivy'd cottage graced the verdant plain,
Full oft reflected on the wat'ry space.

There sad Lysippe wept her husband lost,
Torn from her arms by honour's stern command;
Those waves had borne him from that fatal coast,
Those waves restored him, lifeless, on the sand.

There oft at eve, unseen, she walk'd alone,
Now gazing on the vast expanse below,
Now list'ning to the murm'ring billows' moan,
She seem'd a moving monument of woe.

Obtrusive mem'ry lov'd each hour to trace
Some sacred vestige of her husband's name;
Nor could creation's brightest charms efface
His heart-drawn picture from its drooping frame.

Yet, 'midst her woes, one comfort she received,
One cheering solace to her lonely hours;
A lovely pledge of tried affection liv'd,
And waken-d all the mother's latent powers.

With watchful eye she mark'd his dawning worth,
And fondly hung upon his infant smile;
Maternal fondness lov'd to lead him forth,
And with her charge the ling'ring hours beguile.

One morn, when chance had op'd the cottage door,
On hands and knees the babe had crept, unseen,
Beyond the precincts of his native floor,
Delighted with the sun-beams on the green.

Lysippe miss'd her charge—her anxious breast
Swell'd at th'imagin'd danger of her child:
Breathless, she rang'd the cot in frantic haste,
Search'd every spot, and call'd in accents wild.

She sought the plain—but who can paint the shock
That seiz'd her frame, when, on a jutting edge,
She spied her infant bending o'er the rock,
His little hands grasping th' o'erhanging sedge?

In speechless agony—quite void of breath,
Feeling as mothers feel, transfix'd she stood;
What could she dare? to stir was instant death—
And not to stir—to hear the roaring flood.

Oh thou blest Providence, who rulest the skies!
Sure 'twas thy voice inspired the sudden thought—
She bared her breast—hope trembled in her eyes—
The well-known breast the child's attention caught

One moment he had rolled into the flood—
Lysippe darted tow'ds the air-borne globe,
And seized her boy.—Ah, Nature's softest food!
Thou art a mother's bribe to save her babe!

G. P. R.

(Continued from the Third Page).

of his followers come over to him, and several others in that neighbourhood have expressed a desire to surrender upon being assured of pardon and protection.

At Alipoot all continues quiet under the excellent management of Major Coxon.

A Kandian Servant of one of the Headmen with the Pretender came in lately to Badulla and gave on the 23d ult. some curious information of the Pretender and Kappitopola and their Chief Followers, whom he left on the 16th ult. between Donattokappola and Materratta probably in the very place observed a week after by Col. Kelly. He confirms the account of Kappitopala's suffering from Dysentery and adds that little hope was entertained of his recovery: He was so weak as to be unable to walk. He states that the Pretender is not a Malabar or any relation to the Royal Family, but, as many others have asserted, a Cingalese of the 7 Korles who had been a Priest.

Nothing of any consequence has occured lately in Saffragam or the 7 Korles. The last accounts from Lieut. Colonel Hook were dated the 30th ult. He had taken two Rebels who were going immediately to be tried before a Court Martial.

Madras Intelligence.

A very considerable fall of rain has taken place, nightly almost, for the last week in the vicinity of Madras.—The parched appearance which the Country usually exhibits at this period of the year has given place to the most agreeable verdure, and the refreshing coolness of the atmosphere fully compensates for the heat which was experienced the last two months.

The Ex-Rajah of Nagpore is still supposed to be wandering amongst the hills, near where he escaped.

The Honorable Company's Ships Princess Amelia, Captain Balston, and London, Captain Campbell, are expected to proceed on their voyage to Penang and China, in the course of the day.

The following Passengers proceed on these Ships.

Per Princess Amelia.

Thomas Greenway, Esq. and Mrs Greenway, for England.—Mr. and Mrs. Alexander, with Child, for Penang.

Per London.

J. M. P. Macleod, Esq. N. W. Kinderely, Esq.—Cornet James Buchanan,—E. Bannerman, Esq.—Mrs. Prendergast and Child, for Penang, and Colonel J. Welsh, for China.

Courier July 21st 1818.

Arrivals at the Presidency.] Lieut. John Huddleston, H. M. 34th Regt.—Lieut. Bradford, and Ensign E. Carroll, H. M. 86th Regt.—Lieut. R. Williams, M. E. Regt.

Departure.] Capt C. S. Lynn, 1st Batt. 10th N. I.

Calcutta Intelligence.

CURRENT VALUE OF GOVERNMENT SECURITIES.

Buy.		July 8, 1818.	Sell.	
Rs.	Ans.		Rs.	Ans.
5	10	Six per Cent. Loan	6	0
		Obligation. Disc.		

We have seen Letters from Sumbhulpore of date the 21st ultimo, at which place the detachment hoped to enjoy a rest after all their toils. These Letters describe the country of Raighur as abounding in gold dust, and the capital also called Raighur as a large town built on the Neloo Nuddee, and surrounded by luxuriant topes. Its appearance is said to be particularly striking, when approached from the jungly country in the neighbourhood. The Rajah is supposed to be very wealthy.

Sumbhulpore is a place of considerable importance, and is guarded by an extensive Fort, stretching along the North Bank of the Maha Nuddee. At one time the Killedar of this place entertained thoughts of resisting our approach, but afterwards changed his mind, and without firing a gun gave it up to Major Roughsedge. The defences of the Fort and its Artillery were not found in a very efficient condition; but the place abounded with Brahmins, and Temples. The old Rajah of Sumbulpore accompanied our troops, and will be reinstated in his government; for some years past he has been in confinement by Appah. Our Letters represent the Mahrattas of this district, as extremely civil. Diamonds are said to be found in their country; and the fish of the Maha Nuddee, which runs on a rocky bed, are said to be much superior to the fish of the Ganges.

We learn from Rewaree, June 20th, that the Ex Peishwa had left Sir John Malcolm's Camp, and was on his way to Bhampoora, escorted by Major Innes, with a battalion of the 19th Nat. Inf. and 1000 of Skinner's Horse.

The setting in of the rains will probably put a stop to the operations of the troops, that are yet in the field; but unless the subjugation of a few refractory Killedars, there remains nothing, to complete the triumph of our arms. The settlement of the States, which the late brilliant campaign has placed at the disposal of the Marquis of Hastings, will next occupy his Lordship's attention; and judging from the line of wise and vigorous policy, which he has hitherto pursued, we may anticipate with the utmost confidence, that such a system of controul, and superintendence will be introduced, as will put a final stop to the scenes of rapine and pillage, that have so long desolated some of the finest provinces of Hindostan. We have all along regarded the measures of Lord Hastings as eminently calculated to promote the interests of the British Empire in the East. That the reins of Administration should have fallen into his Lordship's hands, at a period so big with importance to the future peace and prosperity of India, is one of those beneficent gifts of Providence, for which we cannot be too thankful; and that he may long continue to guide them, is a prayer which every one will prefer, who is interested in the welfare of the British Power in India.

[*Asiatic Mir. July 8.*

The quantity of Bullion imported into Calcutta, from the 1st to the 30th of June amounted to Sicca Rupees 31,96,803.

Mr. Fombelle has become a Candidate for a seat in the Direction of the East India Company.

[*Govt. Gazette, July 9th.*

The Kedgerees report which reached us late yesterday announces the arrival of the Ship Briton, Captain R. Harland, from London the 1st March and Portsmouth the 27th. The same report also mentions the arrival of the Essex from England, the 19th November, with loss of anchor and dismasted. Letters by her from the Cape, mention the Lord Castlereagh's arrival there on the 6th May, after a passage of seventy days, and we are glad to learn that the passengers were all well.

Captain E. C. Browne, of the 22d Regiment Native Infantry, who commanded the guard, from which the Peishwa [*Bhoonsla Rajah?*] effected his escape, is to be brought to trial before an European General Court Martial, to be convened at Hussingabad, as appears in the General Orders, by the Commander in Chief.

[*Bengal Hurkaru, July 11.*

MORNING CHRONICLE.

January, 23.

SERJEANTS' INN HALL, Jan. 22d.

FORENSIC PRIVILEGES.

PETER HODGSON, GENT. V. SCARLETT, ESQ.

It will be recollected that in last Michaelmas Term, Mr. Raine obtained a rule to shew cause why the nonsuit in this interesting case (which was an action for words spoken by Mr. Scarlett, the King's Counsel, against the plaintiff, an attorney, and was tried at the last Lancashire Assizes), should not be set aside, and a new trial granted.

Mr. Baron Wood, who tried the cause, sent to the Judges of this Court his Report, which was read by Mr. Justice Holroyd, to the effect following:—

This was an action tried before me at the last Assizes of the County of Lancaster. It was an action for words, and the words laid in the first count were these—"Some actions are founded in folly, and some in knavery, and some in both; some in the folly of the Attorney; some in the folly and knavery of the parties. Mr. Peter Hodgson (meaning the plaintiff) was the Attorney for the parties, and drew the promissory note fraudulently—got Beaument to pay into his hands 150l. for the benefit of the plaintiff. This was one of the most profligate things I ever knew done by a professional man." There was a second count, stating that the words used by the defendant were these—"Mr. Hodgson (meaning the plaintiff) is a fraudulent and wicked Attorney."—The defendant pleaded Not Guilty. Mr. Raine, the plaintiff's Counsel, opened the case, as being an action against the defendant for words by him spoken of the plaintiff as Counsel, reflecting upon the character of the plaintiff as an Attorney in a certain transaction which was the object of a suit, at the Spring Assizes for the county of Lancaster, and which words were totally unfounded. After he had finished his opening, in which he stated that he was in a condition to prove the words, the defendant's Counsel said they were to admit them, as stated in the first count. I then asked Mr. Raine if he knew of any action brought before, of a similar nature, or had any authority to support such an action? He answered, "No." I then said to this effect—"I take it for granted there was such a cause tried here at the Spring Assizes, and that there was a question in it concerning the drawing of a promissory note, as mentioned; and that these words spoken had reference to that transaction, and were addressed to the Jury as observation upon it.—Both sides assented. I then said—"The observation might be too severe upon the plaintiff—of that I can say nothing; but as they were relative to the subject matter of the cause, as at present advised, I think the action is not maintainable." Mr. Raine then said, there was the second count stating only these words—"That Mr. Hodgson was a fraudulent and wicked Attorney:" to which I answered "That could make no difference. The whole that was spoken must be taken together, and all had relation to the same thing. You cannot detach a part of the sentence, and make that actionable, which if taken with the rest of the sentence, is not actionable." Mr. Raine then said, "the defendant has only pleaded the general issue; there is no justification."—To which I answered, "the justification is necessary only where the truth of the words is asserted."—In this case I thought it not necessary, as the words could not be considered as maliciously spoken, but with reference to the cause. Mr. Raine then contended, that it ought to go to the Jury for them to say, whether there was any grounds for speaking the words. I answered, that as the words were relevant to the matter in question, the Jury were not to try whether the observations were well or ill-founded and I made this observation, "that I must then try the former case over again. That it would open a door to plenty of actions, and that the Judges would be occupied in trying actions against Counsel for their speeches at former Assizes." Mr. Raine said, "then the Counsel may say any thing they please in their speeches, if that be so. There must be some limit to this privilege."—I said, "It may be difficult to draw the line. I don't say that a case may not occur where such an action may be maintainable. As for instance, if a Counsel should stop short in his speech, and say that an attorney was a rascal or a scoundrel, and should introduce slander not relevant to the matter in issue. I should not say that the action in such a case was not maintainable." Mr. Topping said, "I did anticipate that that would be your Lordship's determination; and I fancy it is unnecessary for us to say any thing." I said "by no means; I wish to hear every thing that can be said with regard to the subject, and I shall hear it with great patience. It was then contended at great length by the defendant's Counsel, that as the defendant did not wander out of the case, and as the observation set forth in the declaration was relative and pertinent to the issue, the action was not maintainable. And I said I was of that opinion; and I said that it was necessary to the due administration of justice that Counsel should be protected in the execution of their duty in Court; and that any observation made in the due discharge of that duty was not actionable; but I said that he would not be protected in making any such observation out of Court, and I referred to the case of Lord Abingdon; and I also said, that for slander used in judicial proceedings no action will lie; and I referred to the practice in the Courts of Equity, in cases where Bills in chancery contained scandalous and impertinent matter; that the course there, was to refer the bill to the Master, to say whether the matter was slanderous or impertinent, and upon his finding that it was, the Court ordered it to be expunged and the party to pay costs; but I never supposed an action would lie upon it. Upon my opinion being so delivered, the plaintiff submitted to be nonsuited; the words being admitted to have been spoken by the defendant by way of observation, as pertinent and relative matter for the consideration of the Jury trying that case. Considering that the words were used in that sense and with that view, I thought there was nothing to go to the Jury; and being of opinion that the words were pertinent to the subject matter of discussion, I thought they were not the ground of an action.

Lord Ellenborough.—The Learned Judge, in his report, states it to have been admitted by the plaintiff's Counsel that the words were pertinent to the cause in which they were used.

Mr. Raine said, that in consequence of this statement of the Learned Judge, he was placed in rather an awkward situation. In point of consistency, he must say in his own defence, that he certainly had made no such admission; for if he had so done, he must have admitted himself out of Court. He had contended before the Learned Baron, as was indeed admitted in the report, that he had so contended, that it was the province of a Jury to say whether the words were relevant and pertinent to the cause in which they were uttered.

Mr. Justice Bayley.—I think the Learned Baron says, that you submitted to him that the Jury were to say whether there was any foundation for the words; but he also says it was ad-

(Continued in the Supplement.)

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SUPPLEMENT TO THE BOMBAY COURIER.

SATURDAY, AUGUST 8, 1818.

(*Continued from the last Page.*)

mitted that they were pertinent to the matter in issue.

Mr. Raine said that the whole of his contention before the Learned Judge was, that he had an undoubted right to go to the Jury upon the question of relevancy, but that out of respect to the opinion of the Learned Judge, delivered as it was, he had given way.

A desultory conversation here took place between the Learned Counsel on both sides and the Bench upon the subject, of the particulars of what passed at the trial, touching the admission alluded to; Mr. Raine insisting that he had made no such admission, and that the whole ground of the case depended on the relevancy and the pertinency of the words charged, to the matter in issue, at the time they were uttered.

Mr. Topping, as Counsel for Mr. Scarlett, then proceeded to shew cause against the rule for setting aside the nonsuit; and he submitted, as a proposition which could not be disputed, that words spoken by a barrister in the fair and honest discharge of his duty, where the words were pertinent to the matter in issue, were not actionable. The relevancy of the words in question must depend upon a reference to the facts and circumstances of the cause in which they were uttered. He certainly was not present at the trial of the original action; but it was a case in which two persons named Norris and Cormack were plaintiff and defendant, and the subject of the dispute between the parties had reference to the proceeds of the sale of a ship in which they were jointly interested.

Mr. Raine here interposed, and expressed his regret that none of the circumstances of that case had been gone into at the trial, because the Learned Judge had stopped him in limine; but he doubted whether his Learned Friend could be permitted to go into the detail of facts, of which he could know nothing but from his instructions.

Mr. Topping said he had no wish to introduce any thing which did not appear upon the Learned Judge's report: but he apprehended he was at liberty to shew that the Learned Judge was perfectly correct in reporting that the parties at the trial had admitted the relevancy of the words to the matter in issue; and it would be a most unfortunate thing, if what had passed by the common consent of all the parties should now become matter of dispute. There was one thing, however, which could not be disputed, namely, that his Learned Friend (Mr. Scarlett) had not admitted that he had spoken the words charged in the declaration, although that fact had been assumed by the Learned Judge, and asserted by his Learned Friend Mr. Raine.

Mr. Justice Abbott said, that the words were probably considered as admitted for the purpose of the argument.

Mr. Topping replied, that as these matters reached the public eye, it was highly fitting it should not be supposed that his Learned Friend had admitted that he had used the words imputed to him. It must be taken even from Mr. [illegible]'s opening speech to the Jury at the trial, that supposing the words to have been uttered by the defendant, they were delivered in the course of a discussion upon some former trial in which the plaintiff had some interest. He (Mr. T.) did not profess to have a precise recollection of every thing that had passed at the trial; but it must be perfectly obvious from the bare statement of the case, that the words were relevant to the subject matter of the former trial. His Learned Friend, in all events, could not impute malice to the defendant, either express or implied,—which was essential to the maintenance of the action;—and therefore, supposing the words to have been proved, still if they were pertinent to the facts under consideration, and there was no express or implied motive proved, the action was clearly not maintainable. If the words were relevant to the matter in issue, then the opinion of the Learned Judge at the trial was perfectly correct. It was impossible to conceive the mischief which must arise to the public, as well as the profession, if the Court were to entertain an action like the present. Dangerous as it would be to the privileges of the bar, it would be infinitely more so to the public. He was at a loss to conceive for what purpose his Learned Friend had cited the case of Brook v. Sir H. Montague, Cro. Jac, 90, when he obtained this rule, except for the purpose of answering the supposed observation of the Learned Judge, that there never was any instance of such an action before, or to shew that where an action was brought against a Counsel, a special plea of justification had been put upon the record; for that case itself was an authority for the defendant in the present case. There Chief Justice Popham had affirmed it to be good law, that where a Counsellor utters words without any malicious intention, the action of slander would not lie. He (Mr. T.) contended with confidence that there was no foundation in law for such an action, unless there was express malice proved; for this he had a high authority, and that no less than Mr. Justice Buller's, who in his Nisi Prius laid down this position.—" The defendant may, by way of justification, plead that the words were spoken by him as Counsel in a cause, and that they were pertinent to the matter in question; or he may justify the speaking of them through concern, or the reading of them as a story out of a history; or he may shew by the dialogue that they were spoken in a sense not defamatory; or he may give these matters in evidence upon the general issue, for they prove him not guilty of the words maliciously." After such an authority as this, he knew not how to address any further argument upon the subject to the Court. It was clear that the defendant here might have given in evidence under the general issue proof that the words were pertinent to the original action. If the Court were to hold that such an action would lie, the province of a barrister would become useless, and in all events highly dangerous. His exertions for his client must become paralysed, under the peril of legal liability, for the manly and zealous exertions which he might make in the cause of truth and justice. Nay, the Judges of the land would not be exempt from the imputation of malice, if they ventured to express themselves warmly in uttering their sentiments upon a case, which justly elicited strong marks of censure or indigation. The criterion in this case must be the express malice of the party uttering the words, and where there was the complete absence of proof of such malice, no action would lie. He had another authority upon this point, which was decisive of the question. In the case of Wood v. Gunston, Style, 462 and also reported in the 5 vol. of Viner's Abridg, tit. Counsellor, 478, which was a trial at bar, in an action upon the case for words, and it was stated by Chief Justice Glynn, " that if a Counsellor even pleads scandalous words against one, in defending his client's cause, an action doth not lie against him for so doing; for it is his duty to speak for his client, and it shall be intended that he speaks according to the client's instructions.', Unless this latitude was afforded to Counsel, it was impossible for them to discharge their duty, and the necessary result of any restraint upon their privilege would be, that they must simply state the pleadings in the case submitted for trial and leave the Judge to examine the witnesses, and sift out the justice between the parties. He confidently submitted that the opinion of the Learned Judge was perfectly right, and that this Rule must be discharged.

Mr. Serjeant Hullock followed on the same said, and admitted, that if the defendant had stopped in the middle of the cause, for the purpose of gratuitously venting slander against a person no way connected with the issue before the Court, his wig and gown could afford him no privilege, and he would be liable to an action in his personal capacity; but if a Barrister, in his professional character, honestly, and with a bona fide intention, uttered words, however offensive to the party to whom they were applied, they were not actionable if pertinent to the issue, and if no express malice was proved. It was not sufficient that they were false—they must be expressly malicious. He likened this to the case of a master giving a character to a servant, where an action would not lie, unless it was proved that the master had expressly gone out of his way to malign the character of the servant. In the case of Weatherston v. Hawkins, 1 T, R. 110, it was held that a servant cannot maintain an action against his former master for words spoken, or a letter given by him in giving a character of the servant, unless the latter prove the malice as well as the falsehood of the charge, even though the master make specific charges of fraud; and in Buller's N. P. 8. in the case of Edmonson v. Stevenson, it was held, that the gist of the action must be malice, which cannot be implied from the occasion of speaking, but should be directly proved. In Hargrave v. Le Breton, 4 Barr. 2425, Lord Mansfield said, " that no action lies for giving the true character of a servant, unless there shall be extraordinary circumstances of express malice." And in the case of Rogers v. Sir G. Clifton, 3 Bos. and Pul. It was there held, in conformity to this principle, that where the master had gratuitously gone out of his way to give the servant a bad character, the truth of which he was not able to prove, that was held to be evidence of express malice. Now, in order to enable the Court to judge of the relevancy of the ords spoken in the present case, they must look to the circumstances under which they were uttered in the former action. The facts of that case were these:—The plaintiff, Norris, in that action, had been jointly interested with Cormac, the defendant, and another person named Spittall, in a ship called The Felicity. It was agreed by the parties to sell the vessel, the proceeds of which were to be deposited in the hands of Cormac, for the purpose of being distributed to the shareholders in the vessel, after the sale.—The plaintiff in the present action, Mr. Hodgson, was the Attorney for all the parties in that transaction, and he prepared the bill of sale, beside which he drew two promissory notes in his own hand writing, one of which was to be deposited in the hands of Norris, by way of security for repayment of the instalments which should come to the hands of Cormac in respect of the vessel. This was the promissory note alluded to in the alleged slanderous words. The ship was sold to a gentleman named Beaumont, and notwithstanding the agreement which had been entered into for making Mr. Cormac the receiver of the proceeds, Mr. Norris called upon Mr. Beaumont to pay him for his share of the vessel, and accordingly he did receive 150l; and Mr. Norris afterwards employed Mr. Hodgson, the present plaintiff, to sue Mr. Cormac in an action for money had and received, the Attorney knowing at the time that his client had been more than paid for his share of the ship. This statement of facts appearing upon the trial, Mr. Justice Bayley, who tried the cause, directed the plaintiff to be nonsuited, on the ground that the state of the accounts alone between the parties, shewed that Mr. Norris was not entitled to maintain his action. These were the circumstances under which Mr. Scarlett had uttered the words imputed to him; and it was for the Court to say whether they were not perfectly relevant to the facts proved in evidence.

Lord Ellenborough.—If that is the state of the facts, the words appear to be very relevant: for if the money was to be appropriated in a particular way, the plaintiff in that action had no right to recover the money which was sought at the hands of the Jury, and Mr. Hodgson being the attorney in the original transaction, must have been cognizant of all the facts of the case, and must have been fully aware that his client could not have recovered in the action which had been brought.

Mr. Justice Bayley read his notes of the trial (a copy of which had been handed to the defendant's Counsel) and they appeared in substance to bear out Mr. Serjeant Hullock's statement.

Mr. Littledale on the same side, was stopt by the Court.

Mr. Raine and Mr. Richardson were heard at considerable length in support of the Rule; and they contended, as a general proposition, that the Learned Judge who tried the cause was too hasty in directing a nonsuit; for it was for the Jury to determine upon the relevancy of the words uttered, to all the facts of the case. It was not necessary to prove express malice, in order to maintain such an action; for if it appeared that the defendant had travelled out of his way in order to traduce the character of the plaintiff, and had used expressions which were not fully justified by the evidence in the cause, the action was sustainable.—It was necessary to set some bounds to the province of an Advocate, for if his liberty of speech was not controuled, he might go beyond what the marits of the case would justify him in delivering. This case was distinguishable from the cases cited on the other side, respecting the character given by a master to his servant. The relation of master and servant was matter of private concern between the parties; but what was delivered by a Barrister was public, and imported grave consequences to the party slandered; and therefore it was of importance that an Advocate should be limited within the bounds of discretion and temper in the words which he used.

Lord Ellenborought said, in delivering his judgment, that the law privileged a master, in making communications respecting the character of his servant, which, however calumnious, would not be the subject of an action, if such communication was made bona fide, and without malice. This privilege was absolutely necessary for the common convenience of mankind. The privilege of Counsel was subject to the same observation. An Advocate was entitled to use the information communicated to him by his client, in a fair and bona fide exposition of the merits of the case submitted to his care: he was privileged in commenting on the case, and making observations upon the instruments or agents by whom the case was brought into Court. In this point of view it was necessary to consider the situation of the person who was the subject of those observations, which formed the ground of this action. The plaintiff was not only the attorney in the original cause, but he was mixed up with all the facts of the case, and was the sole instrument in the concoction of the merits of the question then before the Court. It was proved that he was the instrument in drawing the promissory note, as a security for the due application of the proceeds of the ship, when they should be forthcoming: therefore he was most cognizant of the merits and circumstances of the case; and he knew, as a professional man, that there was no ground for the action, if properly considered; for he must have been aware of the fact, that his client had money in his hands, which he had no right to retain under the terms of the agreements. In commenting upon this case, and the particular [illegible] the plaintiff, Mr. Hodgson, stood, the Learned Counsel said, " he was a fraudulent and wicked Attorney," and he had a right to comment upon him, for he could not comment upon all the circumstances of the case in their proper light without adverting to him as the instrument which set the action in motion, and as the manufacturer of all the information upon which the action was founded. So far then, as the circumstances of this case went, it did not appear that the Learned Counsel had attacked the plaintiff at random, or had gone out of his way for the purpose of slandering his character. In the natural order of things he must comment upon the transaction as it appeared in evidence. As Mr. Hodgson was the agent in the transaction, what was the effect of that cercumstance? Why it stript the plaintiff in that case of all right to maintain his action. The Learned Counsel adverting to the instrumentality of Mr. Hodgson in the transaction, called him a fraudulent and wicked Attorney. Perhaps he (Lord Ellenborough) should say, that stricly speaking Mr. Hodgson could not be said to be guilty of fraud and wickedness, as between man and man: but there certainly was a degree of wickedness, in foro divino, in bringing forward such an action, under all the information which he possessed upon the subject. He (Lord Ellenborough) should say, that perhaps in the exercise of a degree of candour which a Learned Counsel might think fit to adopt on such an occasion, this expression might be spared; yet he could not say that there did not arise out of this subject matter of the cause something that might induce a conclusion, in the mind of the Learned Counsel who utterred it, that the Attorney was both fraudulent and wicked, as between man and man, at least in foro divino. His Lordship could not say that there was no reasonable or probable cause for the use of those words in the exercise of the defendant's duty. It had been observed, that all the facts relating to the plaintiff's conduct, and which had induced the utterence of the words in question, did not appear at the time to the Learned Judge who tried the cause and that it would have been helping the nonsuit, if these facts had been disclosed; but it appeared to his Lordship, that the disclosure of those facts could not have al-

tered the result of the trial; and through Mr. Raine did not admit that the words were strictly relevant to the matter in issue, and had wished the whole case to have gone to the Jury, yet his Lordship could not help thinking, that when the words were coupled with the actual facts of the case, as stated in his Brother Bayley's Report, that they were perfectly relevant to the matter in issue; for, even supposing the whole case to have gone to the Jury, it was difficult to conceive how a different conclusion could be drawn from the case. That Learned Judge's Report clearly proved that the words were relevant to the matter in issue; and therefore his Lordship thought the action was not maintainable.

Mr. Justice Bayley was of the same opinion, and he thought that the rule applicable to this case was rightly laid down, Brook v. Sir Henry Montague, Cro, Jac. 90, " that a Counsellor in Law retained hath a privilege to enforce any thing which is informed unto him for his client, and to give it in evidence, it being pertinent to the matter in question, and not to examine whether it be true or false; but it is at the peril of him who informs it. For a Counsellor is at his peril to give in evidence that which his client informs him, being pertinent to the matter in question. Otherwise action upon the case lies against him by his client, as Popham said,; and although it be false he is excusable, being pertinent to the matter. As to the question of pertinency in this case, the Learned Judge was of opinion that the facts of the former trial clearly justified the words upon that ground: and even supposing that those facts had gone to the Jury, it was difficult to imagine how a different conclusion could be drawn, admitting that the expressions were harsh, yet under all the circumstances of the case, they were no more than the Counsel was privileged in using, as being pertinent to the matter in issue.

Mr. Justice Abbott said, that the rule for determining whether this action was maintainable against a barrister, must be governed by the pertinency of the words to the matter in issue. —Here the pertinency of the expressions were manifest; and as there was no malicious motive imputable to the defendant, the action was not maintainable. No advantage could be derived from sending this case to a new trial, at the result must and ought to be the same.

Mr. Justice Holroyd was of the same opinion. He considered the privilege of speech in Counsel the same as the party himself whom he represented would have had a right to exercise. Greater latitude was undoubtedly allowed to the party himself than to his advocate; but merely because the latter, from his knowledge and experience, must [illegible] strictly to the pertinence of his observations. With respect to the privilege of the party himself, the Learned Judge cited 1 Hawk. c. 73. s. 8. 1 Rol. 87. pl. 4. Lake v. Kay. 1 Saunders, 152. and 4 Co. 14 B. and from these authorities, he said, that an argument was to be derived, as well in favour of Counsel, as the party, in the exercise of his privilege. His opinion in this case, was governed—first, on the ground of the pertinency of the words to the matter in issue; and secondly, that no malice was proved.

Per Curiam—Rule discharged.

HOUSE OF COMMONS.

March 5.

EDUCATION OF THE LOWER ORDERS.

Mr. Brougham said he rose to move the renewal of a Committee which had already in two former Sessions been engaged in a great and laborious investigation, and from which a large body of evidence had already been reported to the house, he alluded to the Committee appointed to inquire into the Education of the lower Orders of the Metropolis. The Committee had not been enabled to complete its labours before the close of last Session; but he pledged himself last Session that he should move the renewal of the Committee at an early period in the present Session, that it might lay the result of its labours before the House in sufficient time to admit of some measures being adopted before the close of the Session. He had already stated to the House some proceedings which the Committee were of opinion ought to be taken to remedy the want of education in different parts of the country. They were of opinion that assistance ought to be given by the public towards the erection of Schools in different places where it might be deemed advisable to have them, but that the principle of granting a permanent income either to Government or to any Society, for the support of Schools, ought not to be sanctioned—that where there was a want of the accommodation of School Houses and Houses for Teachers, means for supplying that want ought to be furnished by the public, either by way of loan or otherwise, according to circumstances. It was the opinion of the Committee, that a moderate sum of money was all that would be wanted for this purpose. When they considered the great sums which had been distributed in a Sister Kingdom for Education, and that a very large annual grant was given by Parliament for this purpose, he hoped they would see the propriety of bestowing some money for similar purpose in England. Seldom had less than 40,000l. been annually granted ever since the Union to the Irish Charter Schools. How far this money, which was given with so laudable an intention, was beneficially employed, was very doubtful. Indeed all the inquiries which he had made into the condition of the Irish Charter Schools, led him to believe, that some way or other, either from carelessness or misapplication, these Schools were productive of very little good. They received 40,000l. from the public, and from the bequests of individuals they had an income of nearly 20,000l. more; their whole revenue might therefore be taken at nearly 60,000l. a year. The House would be very much surprized to learn, that from this income of between 50 and 60,000l. a year, not more than 2,500 children were educated. When he said 2,500 children, he rather thought he stated the outside of the number educated by these Schools. By a Report made to the Irish House of Commons, before the Union, the number of children educated was stated at 2,500, and the Bishop of Raphoe, in a charity sermon, stated them at that number. But when Mr. Howard instituted an inquiry into the subject, he found the number of children educated in the charter Schools of Ireland not one-third of that number. He believed that some reform had taken place since that time, and that these Schools were now in a better condition; but he believed he was stating the outside when he stated the number of children educated by them at 2,500. To shew the difference between the application of the funds of the Charter Schools of Ireland, and the application of a small fund raised by several praise-worthy individuals, he would state, that with an income of between five and 6,000l. the Hibernian School Society in London had planted and now kept up 340 Schools while the Char[illegible] income of 60,000l. only k[illegible] The Hibernian School So[illegible] children, while the Cha[illegible] only 2,500 children, wit[illegible] income. Again, nothing[illegible] der and the cleanliness o[illegible] by the Hibernian Scho[illegible] appeared from Mr. Ho[illegible] he believed considerabl[illegible] respect had since taken [illegible] educated in the Charter Schools were in a most wretched state. It would be painful to himself, and disgusting to the House, to repeat the language which Mr. Howard was compelled to use on this subject. He trusted, that whatever assistance Parliament might think proper to give for the promotion of Education in this country, would be given with great temperance, and with the utmost precaution. This was a subject to which the Committee, after their renewal, would probably first turn their attention. They would next have to consider the expence which might be requisite in the first instance, and what part of it might ultimately fall on the country. A very small part of the expence would ultimately rest with the public. There existed throughout the country large funds which had been bequeathed by individuals for all purposes of charity—and particularly for the education of the poor. Those funds had in many cases been grossly misapplied, often no doubt from ignorance of the best method of employing them. In cases beyond the scope of the Committee it had come to their knowledge, that Schools richly endowed in many parts of the country, had fallen into entire disuse. For the purpose of investigating this subject, another tribunal ought to be instituted, besides a Committee of the House of Commons. A Committee of the House could not transport itself from place to place, its powers were limited, and to bring witnesses from different places throughout the country to London, would be attended with great inconvenience and expence. If Commissioners or Agents were appointed for this business, one journey to the different places would do, instead of bringing witnesses from all the different parts to London. In many places abuses existed, of which no knowledge could be obtained till persons went to the spot. It was now two years since this matter had attracted the public attention, and hardly a day had passed during that time in which he had not received from one place or other an account of some misapplication—of some Schools founded, or meant to be founded, two hundred years ago perhaps, for which purpose lands yielding a considerable revenue were bequeathed,—while in one place only a few children were taught, and in another none. These abuses existed very generally throughout the country. It was highly honourable to the character of the people of this country, that great funds had been settled by charitable persons for the purpose of educating the poor. It was not generally known, that the income of the funds bequeathed for this purpose, amounted to between 2 and 300,000l. A sum like this, if fairly employed, would go a great way indeed. Funds had also been bequeathed for various other purposes besides Schools. The House would find that they were but entering on their task; for they ought to inquire generally into the misapplication of all charitable funds; this was a matter of absolute necessity. He therefore anticipated a recommendation to Parliament to adopt a Plan of Education for the Poor throughout the country; and, 2dly, the appointment of a Parliamentary Commission to investigate into the misapplication of the charitable funds destined for the Education of the Poor; and it would be extremely desirable that a similar measure should be adopted for inquiring into the general misapplication of all charitable funds. He had two years ago stated, that in a neighbouring county a School had been established, and richly endowed, to the amount of 1500l. or 2000l. a year, which sum had been grossly misapplied; that the Clergyman of the parish, who was appointed to the School, did not teach himself, but employed a mechanic to teach a few poor children; and that grudging this small sum, he had thrown the duty on the Vicar, who was obliged to do it gratuitously. This account had been given to him in writing by a Gentleman, in appearance a Clergyman, and he had first communicated it to the Committee, and afterwards to the House, without naming any person. However, the Member for Essex had since informed him, that a respectable Clergyman in Essex considered himself greatly aggrieved by this statement;—that instead of his place being a sinecure, he taught a great number of Scholars, and employed more than one Assistant, who, instead of being mechanics, were Members of Universities. He understood, however, that before the time of the present incumbent such a misapplication had taken place.—The Honourable and Learned Gentleman concluded with moving, That a Select Committee be appointed, to inquire into the Education of the Lower Orders of the Metropolis.

Mr. Peel wished to notice briefly the observations which the Honourable and Learned Gent. had made with regard to the Protestant Charter Schools of Ireland. The observations of the [illegible]ned Gentleman were pro[illegible] state. The [illegible] afforded was highly honourable to the Mas[illegible] At the time of the Report in question, these Schools had not above 30,000l. a year from Parliament, and 9,000l. a year from other sources. It was necessary to state also, when a contrast was made between the numbers taught in the Charter Schools and the Schools of the Hibernian Society, that the children in the Charter Schools were clothed and entirely supported, as well as educated, and the average expence of each child was calculated at 14l. a year. Thirty-nine establishments were kept up in different parts of England.

Mr. Abercromby enforced the necessity of inquiring into the misapplication of the funds of Charities generally.

General Thornton said that care ought to be taken to instruct female children in useful work.

The motion was then agreed to, and a Committee named.

SPY SYSTEM.

Mr. Philips, after moving that certain Petitions be entered as read, began by stating that before he proceeded to recommend to the House to adopt the motion with which he should conclude, it was his wish to guard himself from suspicion of being inclined to encourage, or to appear as the advocate of itinerant orators, who prefer living by talking rather than by working, and go from place to place lecturing on political subjects. He had no hope of any public benefit being derived from such proceedings; but was convinced that their tendency was to produce directly opposite effects. His sentiments on this subject might be inferred from the advice which he gave to a person of that description who had called on him since he came to town. His advice, though not offered in the form of paternal and correctional admonition (a phrase with which the House was well acquainted) was such as he had no doubt the Government itself would approve. He had recommended to the person alluded to, now that he was liberated from prison, to desist from attempting to reform the State, and to attend to his own business, and the interests of his own family. This advice met with the fate that unsolicited advice generally meets with. The man thanked him for it, but shewed at the same time by his manner that he was quite determined not to follow it. The Hon. Member was aware that from peculiar causes a great ferment had arisen in the minds of people during the last year, particularly in the manufacturing districts. He was also ready to admit that the mere agitation of political questions of great importance and difficulty, by large bodies of unemployed and half-starved labourers, was of itself a sufficient reason for the exercise of vigilance, but such vigilance ought to have been united with great prudence and discretion; and if Spies were to be employed at all, their proceedings should have been most carefully watched, and their represention received with distrust. To have accepted the office of Spy is such a presumption against any man's character that he ought from that moment to become an object of suspicion. Little or no credit should be given to his evidence, unless confirmed by coincident circumstances and less exceptionable testimony. Every person knows how liable such characters are to misrepresent, exaggerate, and even to create mischief, if they do not find it, in order to magnify the apparent value of their services, and to claim from their employers a proportionably greater reward. It has been most justly observed elsewhere, that Spies are much more dangerous when employed in the lower than in the higher classes of society. Among the latter, the only mischief they can do is by making false and exaggerated reports of the conduct and designs of the persons whom they are appointed to watch.—With men of station and education, they can have comparatively little chance of influencing their conduct, and engaging them in criminal designs, which they had not themselves before meditated. But the case is very different with the lower classes. If Spies are appointed to watch them, it is because they are supposed to be persons of superior intelligence and sagacity. Over ignorant and uneducated men they may easily acquire such an influence as to become their leaders. They may begin by suggesting to them schemes of mischief which they had never before contemplated, may gradually reconcile their minds to such schemes, and at length drive them on to the actual perpetration of them. On this part of the subject, the Honorable Member observed, that he had great satisfaction in being authorised by Sir John Byng (whose name, in consequence of the command which he held, had been a good deal connected with the proceedings of the disturbed districts) to state, that no Spy or Informer had ever been in any carriage of his in Lancashire, that he had never had any such character in his service or employ, nor even had any communication, either directly or in[illegible]ons of that description, up to [illegible] indivi[illegible] [illegible] the Governme[illegible] duties resulting from it, that [illegible] not forget that he is the subject of a free state, nor will be ever divest himself of the constitional feelings of an Englishman. Under the influence of these feelings, the Government knows that he has occasionally incurred the displeasure of Magistrates, for repressing their eagerness to have premature recourse to military assistance. It is unnecessary to remark, that in a season of general agitation like that of last year, the command of the manufacturing districts could not have been entrusted to an Officer who would exercise it with more judgement, & more humane forbearance. Returning from this digression, Mr. Philips said, that he did not see on what ground Ministers could refuse to inquire into the proceedings of the Spies and Informers employed in those districts, without rejecting the conclusions of their own Secret Committees. Those Committees state their apprehensions that the language and conduct of some persons of that description, may have had the effect of encouraging the designs which it was intended they should only be the instruments of detecting.—Their improper language and conduct appear to be admitted on both sides of the House. Why should we not them inquire into the effect which they have produced? The question between us is only as to the extent of the mischievous consequences of their proceedings. The Petitioners say, we engage to furnish evidence of it to the House. We will, if you will examine us shew that the evil, whatever might be its nature, was principally if not entirely, the work of the Spies and Informers. We will give proof of their guilt, and of the innocence of many of the persons whom they have accused. We will shew you that they and their emissaries were frequently proposing schemes of violence, and endeavouring to reconcile people's minds to the prepetration of them; that they were most anxious to appoint public and secret meetings, and used all the means in their power to prevail on others to attend them, in the hope of being able at last to make them the dupes of their own villainies, to have them arrested as traitors, & to reap the reward of their condemnation. Several of the petitioners are persons who have been arrested and imprisoned on the secret accusation of those Spies and Informers, and have been since discharged without trial. Others, such as the petitioners from Manchester, have never been suspected of being at all implicated in criminal proceedings. These persons say, we have diligently inquired into facts, and pledge ourselves to prove the allegations in o[illegible]

Petition. Here the Honourable Member said, that he must protest against the mode of proceeding (reasoning he could not call it) adopted by the Noble Lord (Lord Castlereagh). If the Noble finds that a Petitioner has a bad character, or that a mistake has been made in any fact stated in a Petition, he draws a general inference from thence against the character of all Petitioners, and against all the facts stated in every other Petition. It was unnecessary to say, that such an inference was not less illogical than it was ungenerous and unfair. It is a strong presumption against the case of the Noble Lord, that he finds it convenient to have recourse to such an expedient. But if this sophistry is to be used on one side, let it be used also on the other. Is the Noble Lord prepared to say, that Spies and Informers, and Police Agents (for on their representation the communications made to Government have been generally founded),—that those men are such pure and virtuous characters, that their testimony is above suspicion? What Spies and Informers generally are, the Honourable Member had already stated. Are Police Agents often much better? This question will be best answered by a reference to facts which have lately appeared in evidence, shewing the activity of these persons in enticing others into crimes that they may profit by their condemnation. The House will judge of the extent of the temptation to wickedness offered to these men (a temptation that few of them have virtue enough to withstand) when they are informed, that a Gentleman in Manchester lately gave, to his knowledge, 300l. for a Tyburn ticket. Is the Noble Lord prepared also to say, that no information on these subjects communicated to Government has been proved to be incorrect? Does he not know that the dread of incendiaries and assassination, & the first public declaration against Reformers in Manchester, were in a great measure caused by a report spread by an individual, that the Reformers had burnt his house because he had spoken against their proceedings? Was not the fact communicated to the Government as evidence of their mischievous intentions, and would it not have been found in the first Green Bag, if strong suspicion had not in the mean time arisen that the individual was himself the incendiary, and that in destroying his own property he had also destroyed, by invalidating, a most valuable communication for the Government?—Mr. Phillips stated, that he was by no means inclined to assert that the Spies and Informers in Lancashire (the popolation of which approached to 900,00 porsons) did not meet with some men who listened with pleasure to their villainous proposals, and would have had no objection, if occasion had offered, to assist in executing them. The facts, however, appeared to him to shew that the number of such persons was very small, and not sufficient of itself to justify the alarm which had been excited, and excited principally, as he most conscientiously believed, by the agency of Spies and Informers. The Honourable Member observed, that he could not regard Ministers as quite disinterested parties in this discussion. He did not believe them capable of making a plot entirely themselves, when none of the elements of one were previously in existence. But he could not help remarking, that the plot had been most useful to them in withdrawing the attention of the public, and of some of their wavering friends in the House, from the demand so generally made at that time for economy and retrenchment; a demand the most distressing of all demands that could be made on such a Government as theirs. He would not say that Ministers had made the plot, but he would say that they had made the most of it, and no instruments could be found so convenient for their purpose as Spies and Informers, by whose means the dread of violence and treason was kept alive, and the attention both of Parliament and the public was effectually diverted from those questions of public economy and retrenchment which had been so peculiarly harassing to the Government. Ministers having profited by the labours of these men, it was natural enough that they should wish to screen them from inquiry. But what interest has the House in screening them? And why should the House object to inquiry, when so many powerful considerations urge us to go into it? We may dispute in this House (said the Honourable Member) day after day about particular facts stated in Petitions, as well as upon the character of the Petitioners, without coming any nearer to a just conclusion. The Noble Lord may take one view of a case, I may take another, and a still different view may be taken by a third person. But how are we to discover whose view is right, and whose wrong, without an exact and rigid inquiry? If the Noble Lord says the Petitioners are either rogues who are not to be believed, or dupes whom those rogues have deluded; have we not just as much reason before the facts are investigated, to retort the same charge on their accusers? Let the House consider for a moment the relation in which the accused and the accusers stand towards each other. The former say, "we entreat the House to go into an inquiry, and we undertake to prove our own innocence, and the guilt of those who have accused us, after vainly attempting to betray us into their mischievous projects." The Ministers reply, "we will not permit you who are accused to defend yourself: we will not suffer you to say a word against your accusers, or to prove that the character which they have given of you belongs to themselves." The Honourable Member asked, whether the House was prepared to sanction such a proceeding as this? Are they ready, in compliment to his Majesty's Ministers, to express their disbelief of maxims founded on universal experience, and to say that the unanimous feelings and sentiments of mankind are mere prejudice and delusion? Will they declare by their votes that it is conscious guilt that demands inquiry, and conscious innocence which shrinks from it? Mr. Philips expressed his hope that the House would not incur the disgrace of acting so as to make itself liable to such an imputation. He trusted that they would satisfy both themselves and the public, by entering into a full, a rigid, and impartial inquiry, on a subject which had occasioned great anxiety and agitation, and upon which it was quite evident that no just conclusion could be formed, without such an inquiry as it was the object of his motion to recommend. The Honourable Member then moved, That this House, taking into consideration the Report of the Committee of Secrecy presented on the 20th of June last; together with the Report of the Committee of Secrecy of the Lords, communicated to this House on the 23 of June last, so far as the same refer to instances in which the language and conduct of persons, said to be employed for the purpose of detecting, may have had the effect of encouraging criminal designs; and taking also into consideration the allegations contained in certain Petitions, with respect to practices of so alarming a tendency, is of opinion that it is the duty of this House fully to investigate the nature and extent of the same.

Mr. Robinson said, hs hardly ever remembered a more extraordinary course of proceeding than that of the Honorable Mover. The House would remember the parade with which the former petition was presented, and the very detailed and circumstantial speech with which he accompanied it [hear!]. The petition itself, from Manchester, was couched in vague, loose, and general terms; it affected an important air, and spoke as if in the name of the whole town, though it was signed by only 26 persons [hear, hear!]. They declared that they had entered into a rigid investigation of all the circumstances which had occurred in Manchester, and they did the House the favour to acquaint it, that no treasonable designs had been harboured, no atrocious and outrageous propositions had been made except by hired Spies and Informers. They did not inform the House of the extent and nature of that investigation, or what evidence they had received. The Honourable Mover (Mr. Philips) was sensible of that deficiency, and had entered into a minute detail [hear!], and had charged particular acts on particular individuals. He (Mr. R.) was a little amazed that he had come with a grave face, and, as if nothing had happened, had abandoned all the ground he had taken [hear! from the Opposition]. He said he had abandoned his ground; and why had he abandoned it? Because it could not be maintained. The Honourable Member had told them of a Spy called Dewhurst: a man who had been carried in Sir J. Byng's Gig. He had told them of the proceeding of Lomax, who was a hired Spy and Informater. The Honourable Member had that evening told them, from the mouth of Sir J. Byng, that this story about Dewhurst was an utter fabrication that there was not a syllable of truth in it [hear!]. No man of the name of Dewhurst was known to the Magistrate or the Government. The Honourable Mamber also knew from Sir J. Byng, that Lomax never was a Spy [hear; from the Opposition]. If he did not know, he (Mr. R.) told him so now [hear! and a laugh]. Whatever infamy, guilt or atrocity was imputed to Lomax, it was to be imputed to him in the character of a Conspirator, and not of a Spy. On the 17th of March he wrote a letter to Lord Sidmouth, offering to give information. This letter was not answered. On the 28th of March he was taken up with others and examined, and soon released, and thus ended all the communication Lomax had with the Government and the Magistrates [hear!]. The Honourable Gentlemen on the other side might contradict this; he knew that contradiction was easy when proof was impossible [hear! and a laugh from the Opposition]. It was impossible for them to disprove what he said, therefore. he contended, all their case had broken down under them. This statement of his took away all credit from the rigid investigation which the Manchester Petitioners spoke of, and there was now no ground whatever for refering their statement to a Committee. But their Petition, far from proving that Spies and Informers had done mischief, proved something else. The Petitioners said that no atrocities had been committed or suggested but by Spies; but they admitted the conduct of Lomax, who was not a Spy, as he (Mr. R.) had proved. The proceedings of Lomax which had been referred to were on the 10th and 11th of March. It was a decisive proof too, against these petitioners, that the men who made these horrible propositions, which were said to have been received with horror, had not been denounced. But nothing could be got from Lomax, for he was dead, and therefore, perhaps, he was referred to [hear!]. A petitioner of the name of Bamford, said, he had been arrested on the information of Lomax. This could not be rure, as that person was taken up on the 29th of March. The warant must have been signed some time before, and Lomax was not arrested till the 27th. Tere were, besides this Manchester petition on the petition of Mitchell, and the petition of Scholes. Mitchell gave a sort of meagre account of his communication wiih Oliver, and endeavoured to impress, though he did not distinctly assert, that all he had done was at the instigation of Oliver; but quite sunk what he did in Yorkshire, in conjunction with Oliver; but this omission of Mr. Scholes, another petitioner supplied; for he stated Oliver had been introduced to him by Mitchell and that Mitchell and Oliver appointed the meeting at his house- Now either Scholes' petition was false, or Mitchell had culpably concealed the truth, to make a false impression, he cared not which; so no credit was due to their assertions. They had already heard of Francis Ward, the religious and pious man; there was another person who had presented a petition couched in the same style, and apparently written by the same hand, named Haines. He knew not what information might have been derived from him, but he had been guilty of perjury. He had been witness at the trial of two persons, Towle and Slater, for shooting at a man, in a framebreaking transaction. Slater was acquitted on an *alibi*, as Haines and some others swore, that he was at the time 17 miles from the place where the crime was committed. Additional information was obtained,, and Haines was agaain indicted for the minor crime of frame-breaking, at the same time and place, at the following sessions, and he pleaded guilty, thus proving the perjury of Haines and the others. This was an additional proof of the nature of the character of the Petitioners. Thus, as the allegations of the Petitions were many of them totally false—as the stories respecting Dewhurst and Lomax were false, as the allegations of Bamfford could not be true, as Scholes and Mitchell's Petitions could not be both true, or could not contain both the whole truth, he hoped the House would reject the motion. On this evidence only was it founded [hear! from the Oppositiou]. The whole of the motion was founded on these Petitions [no, no, no!]. But the Petitions must make the ground-work of the motion. He allowed that the motion referred to the Reports of the Committees, but it added, "looking also to the allegations of certain Petitions." He should not trespass longer on the time of the House; he believed in his honour and conscience that the Petitions were false, and he begged the House, on behalf of a calumniated Government, of a calumniaetd Magistracy, and in the sacred names of truth and justice, to reject the motion for inquiry on such grounds.

The Hon. F DOUGLAS said, that all the Right Hon. Gentleman (Mr. Robinson) had proved amounted to these two facts —that no person of of the name af Dewhurst was in Sir J. Byng's gig, and that Lomax was dead. He had told them too, that contradiction was not proof. Yet his speech was a tissue of unproved contradictions, which he had begged the House to receive instead of the proof which it was the object of the motion for inquiry to elicit. It was to be remarked too, on the Right Honourable Gentleman's own statement, that Lomax had written to Lord Sidmouth offering to give information—that he had afterwards been apprehended, and almost immediately released- It was unfortunate that the Honourable Mover had not made a long speech on the Manchester Peition, as the Right Honourable Gentleman's speech seemed only prepared to refer to it. But the Petition had very properly been made by the Honourable Mover accessary to his proof;—he rested on the general knowledge of the country—on the general avowal of the Ministers themselves through their Committees. But how did the Right Honourable Gentleman answer the allegations of the other Petitions?—By saying that one Haines was a perjured man. But who was Haines? His Petition had not that day been read. He said nothing of Oliver, nor had any information that he knew of been derived from him. The Right Honourable Gentleman wondered why the present motion had been made. Did he not remember that on the motion of the Member for Lincoln (Mr. Fazakerley), half the speech, and more than half the argument of the speech of a Right Honourable Gentleman (Mr. Canning) turned on the incompetence of the Secret Committee to carry on the investigation which was demanded? Did they not remember that the Honourable Member for Bramber had pledged himself (the word was not too strong) to agree to an investigation, If it was to be conducted by a Committee differently chosen? The present motion was brought forward to give him an opportunity to support inquiry [a laugh]. It was framed almost on the suggestion of the gentleman opposite; and for the plain and manly object, that this question, important in every moral and political view, should be brought to satisfactory issue [hear, hear!]. It was now the last day previously to the introduction of a Bill of Indemnity—in a few days they would have debarred themselves from all inquiry. Should they not be convinced of the merit of the Government before they granted them an indemnity for their violations of the law? He did not wish to take narrow or uncandid views, nor should the House shift from its own shoulders the heavy responsibility which, in his opinion, weighed on them, for the suspension of the Habeas Corpus Act. He did not think that there was a solitary instance of their having under such measure violated the law; but when he had said thus much, he thought he had granted a reasonable measure of indulgence. Such a measure of confidence as an Indemnity Act should proceed on two grounds:—that in the present state of the country the disclosure of the evidence they had received was impracticable; and that the Ministers had in general discreetly and conscientiously admisnistered the law.—Before the House granted the greatest indulgence which could be granted, it was their duty to inquire into these questions—both of them of the most paramount importance.—It was admitted by Ministers that Spies had been employed; it could not be denied by them, that the employment of Spies might produce mischievous effects; the Committee had said they had reason to believe it might have produced those effects;—26 persons from Manchester asserted, that it had produced mischief and they and many others pledged themselves to produce proof, and prayed the House to receive them. There were in the House Gentlemen who could adduce proofs on this subject; who could prove the effect of the appearance of Spies in the in the West Riding of Yorkshire—the dismay of the Magistracy, the encouragement of the disaffected, and the combination which was thus created much superior to that which the efforts of orators could bring about. There was that paragraph, too, extorted by the force of truth from a reluctant Committee, proceeding on garbled and prepared evidence [hear!].— What, then, was to be reasonably expected from a fair committee, having no private interests to consult, receiving the evidence which might be offered on both sides, and having no limit to its investigation? There was that miserable collection of Newspaper paragraphs, which a Committee had chosen to dignify by the name of a Report In that producetion two facts were stated. The insurrection in Derbyshire, which was then represented in its proper light, as not important in itself, but merely as connected with disturbances in other parts. The importance, therefore, of the Derbyshire disturbance rested on the disturbance in other parts. And what was the other place referred to?—The South-western corner of Yorkshire, which was the peculiar field of the employment of Spies. It had been stated to the House by the most unexceptionable authority, that the appearance of the London Delegate was there a cause of joy; that assemblies were held to meet the London Delegate? and with the knowledge of this, and the allegations of the Petitioners, would they not at least inquire before they granted an Indemnity? It would perhaps be said, that the evil was admitted, but that the amount of evil was the question.—This was the very subject for inquiry. It had been said, that the Spies had not given evidence which was not corroborated by others. It was not contended that they alone had given evidence. They had created the facts of which evidence was given by others [hear, hear!]. The justification of the Ministers was rested on several grounda. The Spies had transgressed their orders; but why, then, had they not bronght them to punishment? That honour and fidelity was not to be found in such men; but if so, those were responsible for their conduct who knowingly continued to employ them. It was said, that the critical situation of the country required the intervention of such agents. He hoped the House would bear this in mind, that the Constitution could not be suspended; that Tyranny could not be introduced for a moment into England, without bringing, as its natural train, public and private vice [hear, hear!] The Honourable Member then ably distinguished between the characters of Spies by profession and hired Informers, and contended, that no necessity could justify the employment of agents of the first atrocious description. The mischief of their employment by a Government that rested on moral opinion, outweighed any advantage that could be derived fron them. When the Right Honourable Gentleman (Mr. Ropinson) spoke of the moral character of the Petitioners, and concluded that their associates were equally vicious, what would those think, who saw the Secretary of State in constant communication and close union with persons, who, by the nature of their profession, were devoid of any honesty or honour [hear!]; when they saw him bound to such persons by mutual good offices, prostituting his moral and religious character, to an association with persons who were guilty of the of the flagitious baseness at which professed villains revolt—treachery towards friends and associates [hear!]? What an effect must such an example have on those individuals in the lowest ranks of life, who were exposed to certain temptation, and hardened and deadened by their professions? What effect must it have on Police Officers [hear!]? It was easy to perceive the way in which they could justify to their own minds, the following the example of the Home Office, the source of all morality, and sanctity [hear!]. The Police Officer might have his Mr. Oliver, careless so he got offenders, how offences were created. He might argue that the persons by whose destruction he profited. had indeed been tempted and urged on, but that if they had not been worthless fellows, they would not have fallen into the snare [hear, hear!]. This was precisely the reasoning which was employed in defence of the Spies [hear!]. He did not accuse the Ministers of making a plot, but he accused them of wantonly and carelessly employing the means by which plots were created. They had cast a firebrand amidst combustibles, and they wondered at the explosion. They had received evidence on one side, and excluded evidence on the other side—they had read one letter, and kept back another—and when accused of this, a Right Honourable Gentleman had said, that the other, though necessary to the justice of the case, was not necessary to his cause, thus allowing that his cause was not the cause of the country [hear!]—that he was pleading a cause against the country. He begged the House to enter into that full investigation of the subject, by which alone truth could be obtained.

Mr. COURTENAY observed, that the object of the Honourable Gentleman's motion seemed to be by bringing forward ten times repeated and refuted stories to obtain the support of the respectable Member for Bramber. But in order to attain this object the Honourable Mover had abandoned the grounds upon which it was understood that he meant to ground his motion, namely, the Petition which he presented to the House some day ago. These Petitions indeed were expected to form the foundation of the present motion, but that foundation being felt inadequate this motion was now rested upon what was called the general feeling and opinion of the country. This however was only matter of opinion on is the other side, and to the he would oppose a contrary opinion calling at the same time upon the Gentlemen on the other side to state upon what evidence their opinion of the public feeling rested. The question for the House to consider was whether Minssters had exercised the powers with which they were invested, in a discreet and moderate manner, or whether they had in such exercise exceeded the necessity of the case? The Honourable Gentleman who spoke last but one, had borne testimony to the character of the Noble Lord at the head of the Home Department, and yet was it to be believed that Spies and Informers, to travel through and inflame the country, were fitted out in London [hear, hear! on the Opposition Benches]? He was glad of the cheer, because he concluded that it implied an answer in the negative [hear, hear!]. If his conclusion were

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incorrect, let its incorrectness be proved. Was it meant to be said that Oliver was a Spy fitted out from London [loud cries of hear, hear hear! from the Opposition Benches]? If he understood the meaning of that cheer, he wished to know whether any Gentleman was enabled to make out or was prepared to state, that Oliver was so fitted out? A great deal had been said of the connection of Oliver with the treasonous insurrection at Derby, but if such connection were capable of proof, how came it that the Counsel for the prisoners never put questions upon the subject? It was known to every lawyer that such questions might have been put without prejudicing the cause of the prisoners, and that they would have been put with a view to try the effect of the replies upon the minds of the Jury was naturally to be concluded, if such replies were likely to fix the crime of excitement upon Oliver. But the fact was, that from the answer which Mr. Denman received to one question which he put, that Learned Gentleman was not encouraged to put another From this circumstance then he (Mr. C.) was led to conclude that Oliver had no connection with the rebels at Derby, although that connection was so often asserted on the other side. But this was not the only assertion on that side which was contradicted, not only by inference, but by authority, & of this the letter which had been just read afforded such a sample as was quite sufficient for the House at present. But the burthen of proof in support of such a motion as the present lay with those by whom it was brought forward. He contended that it was incumbent upon them to make out a very strong case to reconcile the House to a motion calculated to do much mischief.

Lord LASCELLES bore testimony to the conduct of General Byng who was eminently entiled to the thanks not only of those who regarded the preservation of peace in the districts in which he commanded, but of those deluded persons also whom he prevented from doing farther mischief. This testimony he felt it his duty to offer, from a knowledge of the proceedings, and from a conviction of the rectitude of the respectable officer alluded to; upon whom, however, he could not suppose that the Honourable Mover deliberately meant to cast any reflection, as he hoped would appear from that Honourable Member's explanation. With regard to Spies and Informers, he could say that he had no predilection whatever for the character or employment of such persons. Such persons, he had no hesitation in saying, ought not to be employed by any Government, with a view to inflame a mass of combustible matter, as some Gentlemen on the other side had expresed it; but at the same time he must say, that it was the duty of Government to make use of the information of Oliver, or any other person, for the purpose of preventing the explosion of such matter. As to Oliver he firmly believed that a great deal of what had been said respecting his conduct, was mere clamour. He could never, indeed, concur in the opinion, that Ministers had employed this person for the purpose of excitement. On the contrary, he would deny that such was ever the intention of Government. The Honourable Mover had stated, that according to the general opinion of the country, Ministers had abused the powers with which they were invested under the Suspension of the Habeas Corpus Act; but from what quarter had the Honourable Member collected the information upon which he grounded this statement? For himself he could say that he had not heard of such an opinion, unless from the allegations of some Petitioners to that House, who were themselves implicated in the transactions which gave rise to the proposition for suspending the Habeas Corpus Act ["Others have so alleged," exclaimed several Members on the Opposition side.]. The Noble Lord concluded with stating, that he was not aware of such allegations, and that he felt it his duty to oppose the motion.

Mr. PHILIPS, in explanation, stated that he had no intention whatever to cast any reflection upon the character of General Byng.

Lord MILTON observed, that the question before the House was not with reference to the conduct of General Byng, or whether Oliver was connected with Brandreth and those concerned with him in Derby, but whether the allegations contained in the petitions on the table were such as to deserve the institution of a special inquiry, and in his opinion such an inquiry ought to take place. To such an inquiry, indeed, he thought that in point of consistency his Noble Colleague himself ought to accede, with a view to afford Ministers an opportunity of explaining their conduct, especially in the employment of these spies and informers, to whom his Noble Colleague said he had no predilection. Ministers had notoriously and confessedly employed one informer, with regard to whose previous character it was rather unfortunate that they had made no previous inquiry whatever. This Oliver had, it appeared, from various testimony, been actually engaged in exciting insurrection. It appeared indeed that he was personally present at places where meetings took place, with a view to promote insurrection. But Ministers had not only neglected to inquire as to the character of Oliver, but as to the character of Castles also; for had such inquiry taken place, it was impossible that such witnesses could ever have been relied upon by any Government. Ministers were indeed obviously improvident and thoughtless with regard to thier system of espionage and the agents they employed. He fully believed that it was not the intention of Government to excite any insurrection, but he was also led to believe that such excitement had taken place on the part of its agents; that, indeed those agents had applied the match to the combustible or irritable matter which extreme distress had produced throghout the country. Who, indeed, could doubt the probability of such a case, when it was known that Oliver presented himself in the country as a Delegate from London, & that special instructions were, as he understood, transmitted to all the agents of government in the districts through which this person took his tour, not to imprison him, or by any means to impede his course? Yet what was the language of this person in every district through which he was traced. Lest the people of any district should shrink from the insurrection to which he desired to excite them, from an impression that they could do nothing of themselves, he assured them that they might expect assistance from London, from which he always described himself as a special delegate, as well as from every other part of the country, with the disposition of which he was, through the connection with a central society in London, perfectly well acquainted. Such was the system of delusion and imposition in which this person was alleged to have deal. He (Lord M.) was not disposed to maintain that the insurrection of any portion of the people was justifiable because the people at large were in the same state; but it was certainly some palliation of the guilt of one district, to find that the insurrection was universal—and it was the policy of Oliver to produce this impression. He always endeavoured to persuade the people whom he addressed, that the country at large was resolved upon the employment of physical force. Yet this person was the recognized agent of Ministers. Was not this fact then good ground for the present motion, for how many other agents might have so acted?

Mr. Bennet observed, that Ministers seemed disposed to content themselves with denying all the complaints and allegations which were adduced against their conduct, without bringing forward any thing like evidence to support that denial, or acceding to any inquiry that might afford an opportunity of ascertaining the real merits of the case. The question before the House was simply this, whether the Reports of this and the other House of Parliament were of such a nature, contrasted with the Petitions upon the Table, as to furnish a *prima facie* ground for inquiry? In opposition to the assertion of an Honourable Gentleman on the other side, he would maintain, that his Honourable Friend who brought forward the motion had not abandoned one iota of his case, or receded in any degree from the ground which he had originally taken [hear, hear, hear!]. He was the Member who informed his Honourable Friend that Dewhurst, the Spy, was seen in the same carriage with General Byng; and such was the information which he had received, not, however, from a quarter, as his Honourable Friend had stated, upon which he could implicitly rely. But, perhaps, the House was not aware of the sort of person whom this Dewhurst was. He who had led the people with whom he communicated into a toil—he who had them caught in a net from which he escaped himself, was none other than a Michael Hall, a returned transport, who was no doubt, a fit ally and instrument for Mr. Nadin and Co. of Manchester [hear!]. Such was the Spy who was arrested on one day, and discharged the next by the Magistrates of Manchester—[hear, hear!]. According to one of the Reports from the Secret Committee of the House of Lords, some persons employed by Ministers to prevent disturbance, had themselves been guilty of exciting that disturbance. But what, he would ask, had Ministers done in consequence of this detection? Had any of those inflammatory agents been taken into custody, of had any proceedings whatever been taken against them? Was not this, he would ask, a fair subject for inquiry [hear, hear!]? He did not mean to say that Ministers themselves had excited to insurrection, or promoted the fabrication of plots; but there was notoriously a large forgery for this purpose at Bolton, under the auspices of Fletcher, the Magistrate, who, after such facts as had appeared against him, ought not to be allowed for one moment to remain in the Commission [hear, hear!]. As to the observation that the information upon which his Honourable Friend had spoken, proceeded from polluted sources, he must say that such an observation came with a very ill grace from those who, after suspending the liberties of their countrymen, abusing the power with which they were invested, and packing a committee to cover them from blame, had notoriously derived their information from the basest persons to be found in any state of society. Yet upon such information they had thought proper to confound rebellious riots with the commission of high treason. He however knew this information to be false; and the intelligence upon which his knowledge rested, with respect to Oliver especially, came from persons who were by no means implicated in any conspiracy; this indeed he pledged himself to shew, if the House would go into the proposed inquiry. He would not, like the Noble Lord (Castlereagh), bring forth dead men's tales to sustain attacks upon the living, but he would adduce living and irrefragable testimony in support of every allegation which he had advanced. But why should Ministers resist inquiry if they could justify their conduct? Did not such resistance betray their conviction that their conduct has been such as they would be ashamed or afraid to exhibit in the face of day? The Noble Lord had indeed throughout the debates upon this transaction professed a desire to do one thing, while he took special care to do another. He professed a wish and proposed a motion for inquiry, while he contrived to guard against any inquiry whatever. It was known that even in one of the Committees appointed upon the motion of the Noble Lord, a proposition to have Oliver examined as to his conduct, while acting under the auspices of Lord Sidmouth, was decidedly negatived through the influence of Ministers. Again, what became of the second letter of Lord Fitzwilliam, which was studiously kept back, while a former letter from that Nobleman was adduced in that House, to answer a purpose in debate by the Right Honourable Gentleman at the head of the Board of Controul [hear, hear!]? The second letter of Lord Fitzwilliam, which was dated on the 17th of June, must have reached London on the 19th. This letter could of course have been communicated to the Lords' Committee, which had not then made its report. Their was, indeed, plenty of time for that communication, but this would not have suited the views of Ministers, because this second letter from Lord Fitzwilliam was in fact a recantation of the opinion expressed in a former letter, which opinion that Nobleman had found to be erroneous upon further inquiry. From the suppression then of this letter, as well as from other facts, it was evident that Ministers desired to prevent Parliament and the Public from having a clear view of their proceeding by affording only such information as suited their purpose. While they sought to keep aloof all testimony that might expose the character of the evidence with which they communicated, and upon which they acted, they even now denied inquiry with regard to the injury of those who had most severely suffered through that evidence. The character of Oliver was become quite notorious. But the Noble Lord (Castlereagh) had said, that no one was imprisoned upon the oath of that person. He would, however, desire to know, upon what other evidence were the persons arrested in consequence of the meeting at Thornhill Lees? For that meeting was actually collected through the contrivance of Oliver himself. For it was Oliver who sent Crabtree to Birmingham to invite persons to that Meeting—while he himself called upon a person at Dewsbury to attend it. Nay, Oliver wrote a note, requesting an interview, to a person who was quite as respectable as any Member of that House, from whom he (Mr. B.) had the information. The interview took place, and he (Mr. B.) was assured, that the whole of the language of Oliver to this person, whom he earnestly exhorted to attend the Meeting at Thornhill Lees, was derogatory to the character of that House, in which he said, that no reliance whatever could be placed—that physical force must be employed, and that a crash would speedily take place. This language revolted the person alluded to, who in consequence dismissed Oliver with indignation. But who were they that prevented Mr. Parker, of Sheffield, from prosecuting his investigations as to Oliver, before any disturbance had broken out. What were the reasons for this prevention? The Magistrate had gone far enough to ascertain that the miscreets in his neighbourhood were owing to Oliver. The fact, indeed, was, as it appeared from a review of the proceedings in Yorkshire, Nottinghamshire and Derbyshire, that as soon as this Oliver, the acknowledged agent of Ministers, was withdrawn, all was quiet. Would that House, then, consult the principles of justice, the opinion of the country, or the maintenance of its own character, if it refused to inquire into the conduct of such Ministers and such agents!

Mr. B. Bathurst contended, that the whole charge of the Honourable Mover resolved itself into that of the employment of Spies by the local Magistracy, and not against his Majesty's Government. But from whom, he would ask, did the Honourable Gentleman obtain his information? Was it from men who had evinced a disinclination to promote the designs of the disaffected; —from persons forward to defeat any plans leading to a violation of the public security? No such thing. It was the information of parties who must be considered in some degree implicated, for unless implicated, would they not, when they heard in their meetings of exhortations to insurrection, have at once, as loyal subjects, communicated with the Magistracy. The zeal of the Honourable Mover in pronouncing their eulogium, had outrun his discretion. When much was stated about Spies, he must be allowed to say that the Honourable Mover's informers were Spies of his own [a laugh]. They were Spies also, whom it became the duty of the Government specially to espy. They were a portion of those combustible materials to whom Mr. Oliver was introduced by a part of that combustion, Mr. Mitchell. Let it not be thought that Mr. Oliver's introduction to these persons arose from any communication with the Government He was first intimate with Mitchell, and was acquainted with his views before he was engaged in its service. A distinction had been taken which he did not clearly understand, between the communications of Informers and Spies. Were those entrusted with the protection of the public security, when they received voluntary, though imperfect statements of treasonable proceedings, to tell their Informer—Thus far you have acted right; but take heed that you do not again enter into any connections with the suspected parties? Would it not be their duty to avail themselves of his services, in order to obtain possession of the ultimate intentions of conspirators? If they did so, and that such was their duty he contended, then that very step converted the Informer into the Spy, and what became of the distinction [hear!]. The Right Hon. Gentleman proceeded to read the observations of Lord Holt, in the reign of King William, and of Justice Eyre, in 1794, in recommendation of all such contrivances, as, without them, the public safety would be endangered, and it would be impossible for the Government to arrive at the truth. With respect to the character of Mr. Oliver, he did not take upon himself to be his panegyrist—he knew nothing of his early life; but, in answer to a dark surmise, which he understood was thrown out by an Honourable Member opposite, he must say, that to the statements on which that surmise rested, he was prepared to give them a flat contradiction. Except in the transaction with Mitchell, which was a substantive question, on which various opinions might be formed, he did not believe, that since employed by Government, Mr. Oliver had forfeited his character as a respectable man [hear, hear! from the Opposition]. Mr. Oliver was no accomplice; and before he left London, a warrant was out for the apprehension of Mitchell for his prior acts. He had the authority of Sir John Byng for stating, that the charge against Mr. Oliver, of having endeavoured to entrap the meeting of Delegates at Thornhill Lees, was not true. In a letter from that distinguished Officer to the Editor of The Morning Chronicle, which every Gentleman must have seen, a direct contradiction was given to that charge. He (Mr. B.) had to complain of the indiscretion of the Honourable Member who spoke last, in introducing the name of a private individual, Colonel Fletcher. Government was fair game; but he could not suffer the introduction of the names of meritorious individuals to be thus commented on, without expressing his opinion of its impropriety.

The Right Honourable Gentleman concluded with stating, that no possible benefit could arise from the examination sought by the motion. The persons who would be confronted at the bar with Mr. Oliver, would endeavour to make out a case for themselves, in contradiction to his statement.

Mr. William Smith said, it was not his intention to have offered himself to the attention of the House but for the challenge the Right Honourable Gentleman had thrown out, in support of the credibility of Oliver. The day before the last report was presented to that House, circumstances had come to his knowledge by which he believed the credit of Oliver impeached, not only as a witness in a judicial proceeding, but as to his moral character in the common transactions of life. When apprized of these circumstances, he took the necessary means to have them laid before the Secret Committee. He did subsequently learn, that an enquiry was instituted on them by the Committee, and that, by their decision, the character of Oliver was acquitted of the imputation. He, in consequence of that information, extended his inquiries farther; and he now pledged himself to the House, upon the testimony of persons of known respectability, to prove at its Bar, that these imputations against his credit and moral character were true—that he, Oliver, stood charged, and had prosecutions at one time commenced against him, with a series of frauds against his employer, continued for a series of years. He was ready to produce, should the motion for the Committee be granted, witnesses, willing he would not say, but forthcoming, to substantiate these accusations—to prove him wholly unworthy of belief and credit [hear, hear!] The parties able to afford this evidence were four in number Of three of them he himself, from long acquaintance, could peak with the fullest confidence of to their reputation and credit. Exclusively of their knowledge of Oliver's dishonesty, they had declared to him that they were not at all surprized at the peculiar part he had performed in these recent transactions. They said they never knew a man so well adapted for the task he had undertaken. No person, in their judgement, was better calculated to blend cunning, cleverness, plausibility, and the appearance of candour, with a more complete disregard of truth and honesty [hear, hear?]. One of these Gentlemen was a merchant in the city, deservedly held in the highest estimation, a partner of an Honorable Baronet, a Member of that House. The second was his son; and the third a solicitor of undoubted respectability. The fourth was a tradesmen of good reputation, but whose character in the transaction was thus far impeached, that from motives of private interest he had forborne to prosecute Oliver, who was in his employ, for the commission of continued frauds. In the year 1812 this tradesman had preferred four indictments in the county of Middlesex against Oliver for frauds? but thinking he would be better able to get money due to him, had withdrawn them, and agreed to an arbitration. Without commenting on the award of the arbitrator, who at least did not feel much inclined towards Mr. Rustall the employer of Oliver, he should only observe, that it was decided that Oliver should pay to Mr. Rustall the sum of 500l. One of two things, however, was evident, either that Oliver, by a continution of small frauds for the space of ten years, had applied to his own benefit the property of his employer, or by a course of errors, always in his own favour, had deprived Mr. Rustall of that amount. His employer had also told him (Mr. Smith) that Oliver had brought his own daughter before the referees; and that the daughter had subsequently informed Mr. Rustall, that what she had sworn was false, and that her father had urged her to the commission of the perjury.

Mr. Bathurst, in explanation, begged to read the proceedings in the course of the arbitration. The Arbitrator, a Gentleman of the Bar, had discountenanced the charge of any fraud on the part of Oliver. It was a question of account, and the award gave 300l. to Mr. Rustall out of the 500l. he claimed. At that time Oliver held a bond of Rustall for 500l. Mr. Rustall refused to abide by the award. Oliver made it a rule of Court. An application was made by Rustall to set it aside. The rule was discharged with costs, Oliver undertaking not to commence any action against Rustall [hear hear! from the Ministerial Benches]. The Right Honourable Gentleman then read the minutes of Oliver's daughter's testimony, to shew that nothing important in case hinged on her evidence, and therefore there could be no motive for her forswearing herself.

Mr William Smith contended, that if a Committee would examine, the truth, as he had stated, would come out. The evidence of the daughter went to reduce the demands of the employer.

Mr. Tierney took this question to be one of the greatest possible importance to the future interests of the country. It was not whether informers—it was not whether Spies ought ever to be employed by Government; but whether Spies and Informers such as described in the Reports of both Houses of Parliament, out to be tolerated by that House. It had been said that they had endeavoured to shape the motion so as to obtain the co-operation of the Member for Brambet (Mr. Wilberforce). With respect to that Honourable Gentleman's co-operation, from his experience of his conduct in that House, he would say, that it could only be purchased at a great expence. There was no Gentleman in the House more capable of giving an efficient support to any cause, when he chose to turn out; and if the Honourable Gentleman pledged himself distinctly that they should have his support, he would be disposed to rely with perfect confidence in his assurance; but if the belief of receiving support from him had no other foundation than some casual expressions of a general nature which might have fallen from him, at the end of the chace they would be sure to lose him. The Honourable Mover had been attacked, because he had confined himself to Manchester; and another Honourable Gentleman behind him had been attacked because he had confined himself to Yorkshire. With respect to Manchester, all that the Boroughreeve of Manchester and his associates could say against the 25 or 26 persons, of most irreproachable character, whom his Honourable Friend had brought forward was, that they formed but a small proportion of the population of Manchester. With respect to Lomax, it was said that he was a principal,—he was however, most unaccountably discharged the day after he was taken up. The next person, Dewhurst, was said not to be in existence; but it was not unusual for persons of his profession to trade under false colours—the real name of this person, it seems, was Michael Hall. Now no man had denied that a person of the name of Michael Hall had been employed as a Spy. As to the other person, of the name of Warrington or Waddington, he had been altogether passed over. Why then, with respect to Manchester, the case stood on this ground—26 persons offered to give evidence as to the truth of the facts stated in the Reports of the Committees of both Houses, and to put the House in a way to ascertain these facts. Would the House say that that they would not receive such evidence? With respect to Mitchell and some of the individuals whose evidence it was proposed to take respecting the conduct of Oliver—they might be all men of the very worst moral character if they wished to have them so—he had never heard of their names before and he did not wish to hear of their names again. With respect to character, for the sake of argument, he was ready to give them up. But at the same time he would say they were not men of so bad character that they could be considered as tainted in a Court of Justice. Supposing them all to have the same character as the Government witness Castles, who was thought a fit witness to take away the lives of five persons, only his evidence could not be corroborated. Now with respect to the other person, Scholes, he had seen the letter alluded to by his Honourable Friend from a Magistrate in the neighbourhood who spoke in favour of Scholes, not from random report, but from what had fallen within his own knowledge. Now when the testimony of Mitchel was coupled with that of Scholes, it was good, to the extent at least of shewing the nature of the transactions in which Oliver was engaged. He appealed to the principles laid down with respect to evidence by Chief Justices Eyre and Holt. It was often necessary to have recourse to witnesses whom of our own accord we should not select. It was impossible to suppose that transactions like those in which Oliver was engaged, could be altogether brought to light by persons in that walk of life to which the House, happily for themselves, belonged. It was perfectly competent to those men to give testimony as to the facts in question, namely, that Spies and Informers had perverted the nature of their agency, and done the very mischief which they were instituted to prevent [hear, hear, hear!] No man had a higher opinion of the character of Lord Sidmouth than he had. It was not his object, when complaining of the growth of Spies in the country, to attack this or that Secretary of State; —he would say, however, that a system had grown up, & was now in full maturity, which was destructive to the character & injurious to the best interests of the country. To take, for instance, the case of the Assessed Taxes—it was notorious that Spies were busied in every corner of the country—that Surveyors of Taxes employed runners, whose business it was to get into all livery stables and halls, that they might become acquainted with every man's affairs. Supposing one of these runners were to persuade a person that it was perfectly safe when he had five horses to return only four, and that this was quite a common practice—and that after giving this advice he informed against any one who was unadvised enough to take it, and shared the half of the penalty on the conviction—if such a case were stated in the House, would there be one dissentient voice if a proposal for inquiry was made? Such was however precisely the case with respect to Oliver. It might be necessary to employ Spies for the sake of obtaining informations from them, but if these Spies went farther and endeavoured to entrap men into the commission of crimes, then it became necessary to proceed against the Spies themselves. But how, it might be said, were they to proceed? They did not say that it might be necessary to proceed against these men—they asked the House first to ascertain the fact, and then it would be time for them to determine with respect to ulterior proceedings. They were told that it was perfectly notorious that a great mass of disaffection existed in the North of England in a variety of populous places—that it was perfectly known that the rising would depend on the London Delegates. Now what was the fact? There were no London Delegates Mr. Oliver said he would go under the mask of a London Delegate. He wished to know whether Lord Sidmouth knew he was to assume that character? Now he was not a London Delegate, however much he had been hampered with praise, it was necessary to bear in mind that he assumed this disguise not to give information of the danger, but to create it [hear, hear!]

[From the lateness of the hour and our want of room we have been able to notice only a few of the topics urged by the Right Honourable Gentleman, in the course of his long and able speech].

Mr. Wilberforce disapproved of the proposed inquiry.

Lord A. Hamilton entered into an account of the conduct of the spy, Richmond, in Scotland.

Mr. Philips shortly replied, when the House divided.

For the motion	69
Against it	162
Majority	93